



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

REVISED DRAFT HEALTH USE PERMIT CONDITIONS

DATE: January 19, 2010
TO: Permit and Resource Management Department, Project Review Section, Planning
ATTN: Cynthia Demidovich
FROM: Jonathan Tracy, R.E.H.S., Project Review Section, Health
PROJECT TYPE: Use Permit
SUBJECT:
File Number: UPE09-0027
Applicant Name: Lester Schwartz Trust
Owner Name: Lester and Linda Schwartz
Site Address: 15001 Meyers Grade Road, Jenner
APN: 109-160-020, -017, -018, and -023

Project Description: Request for a Use Permit for a new 1,500 square foot tasting room open seven days a week with ten promotional events and eight special events per year on a 246.38 acre parcel. Wine is produced off-site.

The project site has split zoning of RRD (Resources and Rural Development), B7 (Frozen Lot Size), and TP (Timber Production) and is in the process of a technical correction with the Permit and Resource Management Department. The proposed tasting room will be located on the portion of the site that is zoned RRD (Resources and Rural Development), B7 (Frozen Lot Size).

The application has been reviewed by this Division and applicable response categories (x1 through x4) have been selected as follows:

X1) If the application is approved, it is recommended that it be subject to the following conditions:

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT :

Water:

3. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
5. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements (This process should begin as soon as possible, as the application, plan check

and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50 foot annular seal). Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD. This Use Permit shall not be vested until the water supply system is installed/constructed.

6. If a water supply permit is required, then the water supply well is required to have a 50 foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
7. Prior to building permit issuance and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of 1 gallon per minute for each project activity such as each commercial facility, special events, and each tasting room, and for each residence, or second unit, conducted during the dry season (July 15 through October 1). (*Testing procedures for 1-2 project activities = 8-12 hour test, 3-4 activities = 18-24 hour test, and 72 hour test for 5 or more activities*).
8. Prior to building permit issuance and vesting the Use Permit the applicant shall abandon existing dry-hole or un-used well(s) under permit from the Well and Septic Section of PRMD. This division may review a request to upgrade the well to current standards relating to setbacks and annular well seals.
9. Prior to the issuance of any building permit and vesting the Use Permit, an easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. Portable toilets may be used for the four largest Special Events, and for Special Events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate Special Events shall be sized on the fifth largest Special Event as follows: 5 to 10 Special Events shall provide 25% of the 5th largest event, 11 to 25 Special Events shall provide 50% of the 5th largest event, and 26 Special Events or more shall require 100% of the 5th largest event. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.

A. The use of portable toilets shall meet the following minimum requirements:

- (1) An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use, and six toilets per one hundred (100) event employees and visitors per day if overnight use is included.
- (2) Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted Onsite Wastewater Treatment System or public sewer.

- (3) Portable toilets shall be serviced as needed, but in no case less than once every seven days.
- (4) The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
- (5) Portable toilets shall not be brought on-site prior to 48 hours before the Special Event and shall be promptly serviced and removed within 48 hours after the Special Event.
- (6) If complaints are received that PRMD believes are valid complaints, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the Special Event and at future Special Events as directed by PRMD. The property owner and his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - (a) The holding tank does not leak or overflow.
 - (b) Toilet paper is promptly replaced when the dispenser runs out.
 - (c) Water, paper towels and soap is promptly replaced when the hand washing units run out.
 - (d) The wait to use a portable toilet shall not be so long that people relieve themselves at other impromptu locations.
 - (e) Reliance upon portable toilets shall not create a public nuisance.

15. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.

Consumer Protection:

18. Prior to the issuance of building permits, vesting the Use Permit and the start of any construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, the exemption requires:

- A. Proof of a State Wine Grower License (Alcoholic Beverage Control license).
- B. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged nonpotentially hazardous beverages and crackers).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An E-mail of approval from the Environmental Health Division or a copy of the plan check approval shall be presented to The PRMD Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

PRIOR TO OCCUPANCY:

Water:

30. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. A water meter (or meters) to measure all groundwater extracted for the permitted use shall be installed on the water system. A site plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the Project Review Health Specialist at PRMD.

OPERATIONAL REQUIREMENTS:

Water:

44. A safe, potable water supply shall be provided and maintained.
45. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a water conservation plan, subject to review and approval by PRMD.
46. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-project review at least once every five years.

Septic:

48. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental Sewage Disposal System installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
49. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
50. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required.

Consumer Protection:

53. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division if required for the wine tasting and Special Event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged nonpotentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged nonpotentially hazardous beverages. Contact the Environmental Health Division at 565-6547 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health Division at 565-6548 for further information regarding caterers.

Noise:

57. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

61. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.
62. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors except at the Outdoor Events Location when in compliance with the Noise Element of the Sonoma County General Plan. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors at the Tasting Room when in compliance with the Noise Element of the Sonoma County General Plan.

Solid Waste:

73. All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of to a County Transfer Station or County Landfill before the end of the seventh day.

Comments:

1. This is a Zone 4 Water Availability Area. Thank you for the groundwater study dated December, 2009.
2. Thank you for the map by Ray Carlson showing the distances from the Outdoor Events Location to the nearby residences. The noise study was waived based upon this map and the restrictions in Condition 62.
3. Note that State law has changed and it is now permissible to charge for wine tasting under the wine tasting exemption from a food facility permit.

Please feel free to contact Jon Tracy, Project Review Health Specialist at (707) 565-1683, 7:30 AM to 9:00 AM, Monday Tuesday, Thursday or Friday, should you have any questions on the above information.

Cc: Applicant Lester Schwartz Trust (emailed to lester@fortrossvineyard.com 1/21/10)