DATE: December 13, 2011 at 2:10 p.m.

TO: Board of Supervisors

FROM: Dean Parsons, Project Review Manager

SUBJECT: Public hearing to consider technical corrections to add a previously approved General Plan Planning Area Policy to the current General Plan and inclusion of the policy in the zoning designation for the Spring Hills Community Church site, PLP06-0099; Supervisorial District No. 4.

Action Requested of the Board of Supervisors:

The Board is requested to conduct a public hearing on a staff-initiated technical correction to add a General Plan Planning Area Policy to the current General Plan and a Zone Change to update the Official Zoning Database (OZD) to include reference to the parcel-specific General Plan Policy for the previously approved Spring Hills Community Church project. At the conclusion of the hearing your Board may approve the technical corrections as recommended by staff.

Prior Actions:

On June 7, 2007 the Board of Supervisors approved the Spring Hills Community Church project which included a General Plan Amendment to include a General Plan Area Policy specific only to the church site, and a phased Use Permit to convert agricultural buildings to a church use on a 58 acre site. This policy is needed in the General Plan because General Plan Policy OS-1c was used to grant the church an exception to the General Plan Policies that disallow churches on LIA zoned lands used for agricultural production and restrict development within the community separator. Conditions of Approval included a requirement for an Open Space Easement covering the commercial vineyard portion of the site (excluding the portion of the site proposed for church/athletic field uses) and restricting the permitted uses within the easement area to agricultural production, agricultural processing, and non-residential agricultural accessory structures.

The previously approved policy was inadvertently omitted from the 2008 General Plan 2020 update. The intent of this technical correction is simply to include the policy in the current General Plan and include reference to the site-specific policy in the site’s zoning designation (this is a standard practice for all properties affected by a site-specific Planning Area Policy).

The Board of Supervisors continued this item from August 9, 2011 to a date and time uncertain without opening the hearing because the previously approved policy was not entirely consistent with the project Conditions of Approval in respect to the total number of people allowed on-site at one time (due to septic constraints). Continuing this item allowed staff to reconcile the policy
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language with the project Conditions of Approval. The Board continued this item once again from the November 15 agenda to December 13, 2011 because the applicant is requesting further modified policy language (see discussion below).

**Location, Zoning and Project Description:**

The subject property is located at 3600 and 3640 Fulton Road, and 875 River Road, Santa Rosa; APNs 058-080-061, -069, and -070 (APNs 058-080-069 and -070 were formerly identified as APN 058-080-056); Supervisorial District No. 4. The base zoning is LIA (Land Intensive Agriculture) with a 40-acre density, and Scenic Resources and Valley Oak Habitat combining zones.

As a technical correction, no substantive issues were noticed or part of this amendment. However, staff proposes minor non-substantive changes to the policy to reflect new parcel numbers assigned by the assessor since the project was originally approved by the Board. Although there are three parcel numbers, there are only two legal parcels. The third parcel number is for separate property tax assessment of the agricultural portion of the church site. Language referring to a maximum congregation size of 1,500 persons has been deleted because this language is inconsistent with Conditions of Approval that instead limit the maximum number of people on-site at one time to 1,500 people due to septic constraints. Further clarification to policy language regarding the now recorded Open Space Easement is also proposed.

The following modifications to the policy are in underline/strikeout form and are based on the policy approved by the Board of Supervisors in 2007 (Board of Supervisors Resolution #07-0480).

**LU-14bb LU-16bb:** Further utilization of General Plan Policy OS-1c is prohibited on the 58 acre site comprised of two legal parcels (APN 058-080-056 and -061, -069, and -070) that includes approved entitlements (PLP06-0099) for a maximum congregation of 1,500 people and limitations existing on-site buildings to a total of 70,600 square feet. Approvals consist of the following uses and sizes: a 28,000 square foot assembly hall and indoor recreation area, a 24,000 square foot assembly hall, a 5,400 square foot fellowship hall/meeting rooms, a 4,800 square foot children’s activities hall, a 6,600 square foot youth classroom building, a 1,800 square foot office/meeting room/classroom building, associated parking and a 4.3 acre athletic field. Notwithstanding these limitations, expansion or intensification of the church use on the approximately 18.18 acre northwest portion of the site approved for development under PLP06-0099 may be considered subject to approval of a new or modified Use Permit. A Sonoma County Agricultural Preservation and Open Space District Scenic Open Space Easement for the 39.815 acre agricultural portion of the property further restricts uses and development of that portion of the property to only agricultural uses.

Staff has been discussing the proposed technical corrections with the applicant who is requesting that additional language be added to the policy to indicate that only “significant” expansion or intensification of the church use be subject to a new or modified Use Permit. The applicant is concerned that for future building conversions/modifications a small amount of
square footage required for a utility cabinet or other modification required to meet building/fire code requirements could trigger the need for a new or modified Use Permit if the addition expands beyond the existing building footprint.

Current project Conditions of Approval (see Exhibit D - Conditions of Approval #81 and #82) already provide staff the ability to make minor adjustments to the square footage. These are standard conditions applied to all Use Permits allowing the PRMD Director to authorize minor adjustments to respond to unforeseen construction constraints. It is not unusual for such issues to arise in the design/build process and PRMD has generally allowed for minor expansion without Use Permit modification for the purposes described by the applicant so long as the intensity of the use does not change. The process for requesting such a modification requires a written request to the Director and the administrative determination can be appealed to the Board of Zoning Adjustments. The applicant’s concerns are further addressed in detail in the attached letter from the PRMD Director.

The applicant’s proposed changes are not necessary in a General Plan Policy because it is the Use Permit that controls the allowable uses in greater detail. Adding the word “significant” changes the intent of the original approval and conflicts with the conditions of approval which allow only “minor adjustments.” The requested change in policy language is substantive and cannot be approved through the technical correction process. Such a change requires a General Plan Amendment and Use Permit modification application to ensure consistency between General Plan policies and conditions of approval. A duly noticed public hearing at the Planning Commission and the Board of Supervisors is also required to identify the substantive change.

**List of Attachments:**

Draft Board of Supervisors Resolution  
EXHIBIT A: Draft Ordinance  
EXHIBIT B: Draft Sectional District Map  
EXHIBIT C: Vicinity Map  
EXHIBIT D: Board of Supervisors Resolution #07-0480 with Exhibit A Conditions of Approval  
EXHIBIT E: Letter from PRMD Director to Peter Singler dated November 22, 2011