ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY TO ADD A GENERAL PLAN PLANNING AREA POLICY THAT APPLIES TO THE SPRING HILLS COMMUNITY CHURCH PROPERTY LOCATED AT 3600 AND 3640 FULTON ROAD AND 875 RIVER ROAD, SANTA ROSA; APNS 058-080-061, 069, AND -070.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying certain real property to add General Plan Planning Area Policy LU-16bb (see below) that applies to the Spring Hills Community Church property located at 3640 Fulton Road, Santa Rosa; APNs 058-080-061, 069, and -070 (formerly APN 058-080-056), previously adopted by Board of Supervisors Resolution No. 07-0480 (as Policy LU-14bb) on June 5, 2007. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the official zoning database of the County by adding Sectional District Map No.________ to said database.

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 limitings 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.

SECTION II. Severability: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. Effective Date: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this _____ day of __________, 2011, on regular roll call of the members of said Board by the following vote:
SUPERVISORS:

Brown: Rabbitt: Zane: McGuire: Carrillo:
Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

__________________________
Chair, Board of Supervisors
County of Sonoma

ATTEST:

__________________________
Veronica A. Ferguson
Clerk of the Board of Supervisors
Policy LU-16bb: Further utilization of General Plan Policy DS-1c is prohibited on the 58 acre site comprised of two legal parcels (APN 058-080-061, -069, and -070) that includes approved entitlements (PLP06-0099) and limits on-site buildings to a total of 70,000 square feet. Approvals consist of the following uses and sizes: a 29,000 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 6,800 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 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.

Zoning Combining Districts

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<tr>
<td>LU Policy</td>
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<td>AH Affordable Housing</td>
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<td>HD Historic District</td>
<td>MR Mineral Resource</td>
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<tr>
<td>VOH Valley Oak Habitat</td>
<td>G Geologic Hazard</td>
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<td>F1 Floodway</td>
<td>F2 Floodplain</td>
</tr>
</tbody>
</table>

Permit & Resource Management Department
Project Review Section
2500 Venture Avenue, Santa Rosa, CA 95403
(707) 565-1900, Fax (707) 565-1100

FILE: PLP 06-0099
AP #: 058-080-061, 069, 070
Ordinance No.
Sectional District Map No.
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A GENERAL PLAN AMENDMENT FOR A NEW SPECIAL AREA POLICY AND A PHASED USE PERMIT TO CONVERT EXISTING AGRICULTURAL BUILDINGS TO A CHURCH USE ON 58 ACRES CURRENTLY IN A WILLIAMSON ACT CONTRACT LOCATED AT 3700 FULTON ROAD, SANTA ROSA, APN 058-080-056 AND -061, ZONED LIA (LAND INTENSIVE AGRICULTURE), B6-40 ACRE DENSITY, SR (SCENIC RESOURCES), VOH (VALLEY OAK HABITAT); SUPERVISORIAL DISTRICT NO. 4. (PLP06-0099)

RESOLVED, that the Board of Supervisors of the County of Sonoma ("the Board") hereby finds and determines as follows:

Whereas, Spring Hills Community Church ("the Applicant") filed an application with the Sonoma County Permit and Resource Management Department ("PRMD") for a phased use permit to operate a church facility ("the Use Permit") and a general plan amendment to add a Santa Rosa and Environ special area policy to restrict further use of General Plan Policy OS-1C on property that is currently in a Williamson Act contract ("the General Plan Amendment"), (collectively "the Proposed Project"). Phase I of the Use Permit is for a church with an attendance of up to 900 persons and Phase II is for a church with an attendance of up to 1,500 persons. The request for the Use Permit includes: two assembly halls, classrooms, meeting rooms, children activities building, youth activities building, fellowship hall, recreation building, office building, athletic ball fields, and associated parking. The church will utilize existing buildings on a portion of the property formerly used for agricultural processing. The property is 58 acres in size and located at 3700 Fulton Road, Santa Rosa; APN 058-080-056 and -061 ("the Project Site"); zoned LIA (Land Intensive Agriculture), B6-40 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat); Supervisorial District No. 4, and

Whereas, a mitigated negative declaration (the "Mitigated Negative Declaration") was prepared and posted for the Proposed Project in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

Whereas, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Mitigated Negative Declaration and the Proposed Project on December 21, 2006, and voted by a 4-1 vote, to recommend that the Board approve the Proposed Project; and

Whereas, the Planning Commission's recommendation on the Proposed Project has been reviewed and considered by the Board; and

EXHIBIT D
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Whereas, in accordance with the provisions of law, the Board held a public hearing on February 6, 2007, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

Whereas, on February 6, 2007, the Board took a 5-0 straw vote directing staff to modify the conditions of approval and continued the item to April 10, 2007, and

Whereas, on March 15, 2007, the applicant submitted a request to continue the hearing with modifications to the project proposal and to allow adequate time to prepare a modified traffic analysis and noise study; and

Whereas, in accordance with the provisions of law, the Board held a public hearing on June 5, 2007, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

Whereas, the General Plan Amendment is proposed as part of the third amendment of the General Plan Land Use Element for 2007. In addition to the General Plan Amendment, the changes proposed to be included in the third amendment of the General Plan Land Use Element for 2007 are as follows:

1. SEBASTOPOL ROAD URBAN VISION PLAN (PLP07-0030) - Request for adoption of the Sebastopol Road Urban Vision Plan with various amendments to County of Sonoma planning documents including the County of Sonoma General Plan, South Santa Rosa Specific Plan and Zoning Ordinance. The amendments include: a change to the General Plan land use designation of 29.37 acres from General Industrial to Urban Residential 13 units per acre and 11.27 acres from General Industrial to Urban Residential 12 units per acre; a change to the land use designation of approximately 2.2 acres from General Commercial to Urban Residential; a change to the land use designation of approximately 12.64 acres from the General Industrial to General Commercial; a change to the land use designation of approximately .55 acres from the Urban Residential to General Commercial, as well as corresponding land use changes to the South Santa Rosa Area Plan and the Zoning Ordinance for consistency with those changes made to the General Plan. Text amendments involving corridor design, site planning, parking, parks and a conceptual design for the Roseland Village Shopping Center are also proposed to the South Santa Rosa Area Plan for conformance with the Urban Vision Plan. Further, four neighborhood park symbols are proposed to be added to the General Plan Santa Rosa and Environments Land Use Map (Figure LU-5e). Three of the parks are approximately 1.0 acre in size and one park is approximately 4.0 acres in size. Location: Sebastopol Road from Stony Point Road to Dutton Avenue.

Whereas, the Board has reviewed and considered the following environmental documents for the other components of the third amendment of the General Plan Land Use Element for 2007:

1. A Mitigated Negative Declaration for the Urban Vision Plan/PLP07-0030

Whereas, the components of the third land use amendment of the General Plan Land Use Element for 2007, when considered together, do not significantly alter the goals, objectives
and policies of the General Plan and these changes are in harmony with the rest of the General Plan; and

Whereas, the Board makes the following findings with respect to the Mitigated Negative Declaration:

1. The Mitigated Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.

2. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project.

3. Based on the record of these proceedings, the Board finds that there is no substantial evidence before it that the Proposed Project, as mitigated by the mitigation measures included in the conditions of approval, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

4. To ensure that the project revisions and mitigation measures identified in the Mitigated Negative Declaration are implemented, the Board is required by CEQA and the State CEQA Guidelines to adopt a mitigation monitoring program on the revisions the Board has required in the Proposed Project and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Proposed Project ("Mitigation Monitoring Program") is set forth in the Conditions of Approval. The Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA and the State CEQA Guidelines.

Whereas, the Board makes the following findings concerning the General Plan Amendment:

1. The General Plan Amendment does not significantly alter the goals, objectives, and policies of the General Plan, and is in harmony with the rest of the General Plan.

2. It is in the public interest to approve the General Plan Amendment.

3. The Proposed Project is consistent with General Plan Policy OS-1c in that criteria 1-7 of the Policy are addressed as follows:

a. Except for the portions of the Project Site approved herein for church/athletic field uses, an in-perpetuity Open Space Easement, acceptable to County Counsel and the Sonoma County Agricultural Preservation and Open Space District, shall
be placed over the undeveloped portion of the Project Site prohibiting any non-agricultural uses on the site.

b. The church buildings are clustered at the northwest portion of the Project Site and with the exception of the athletic fields, the remainder of the Project Site shall remain in vineyards and agricultural use.

c. In addition to the Open Space Easement, the Applicant's community services to include counseling, youth and adult programs would provide additional overriding public benefits.

d. All of the buildings to be used for church facilities are existing and no new construction is proposed on-site other than a parking lot and athletic fields which would not be detrimental to the visual quality of the separator. Furthermore, additional landscape screening will be added to the site to screen the existing buildings as well as the parking lot and the athletic fields.

e. The Project Site is served by a private septic system, an on-site well, and building #3 is served by California American Water Company. Required traffic mitigations, including left-turn lanes on Fulton Road and a right-turn lane into the Project Site, will provide a safe roadway system to serve the project.

f. A landscape buffer is required between the facility and the existing vineyard located directly to the north and east of the site to help provide compatibility between the church and existing surrounding agricultural uses.

g. As an element of the Open Space Easement, a Landscape and Maintenance Plan is required to preserve the lands for agricultural use, thus retaining the visual integrity of the Community Separator.

h. The Proposed Project development is desirable for the community as a whole and is found consistent with the policies of the General Plan in that even though 2.0 acres would be removed from agricultural production, in exchange 39.815 acres of prime farmland will be placed under the Open Space Easement for permanent preservation.

i. The Open Space Easement shall restrict the permitted uses within the easement area to agricultural production, agricultural processing, and non-residential agricultural accessory structures.

Whereas, the Board makes the following findings concerning the Proposed Project:

1. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
a. The church buildings are served by a private septic system, an on-site well, and building #3 is served by California American Water Company.

b. Noise shall be controlled in accordance with the standards of Table NE-2 of the Noise Element of the General Plan.

c. Landscape improvements will help screen the church use from the visual corridor of U.S. Highway 101, Fulton Road, and River Road.

d. The Applicant will execute an Open Space Easement in perpetuity to protect the existing vineyard and agricultural areas from future development.

e. The Proposed Project is consistent with the Williamson Act contract as the County Rules and Regulations for Administration of Agricultural Preserves currently allow churches as a permitted-use.

f. Drainage improvements shall be designed by a civil engineer and include erosion control provisions and details to prevent damage and minimize impacts to the environment.

g. The church shall file a Lot Line Adjustment to increase the size of APN 058-060-016 from 14.58 acres to 40.86 acres, which will place a majority of the vineyard on the parcel which will make the project consistent with the General Plan.

h. Traffic impacts will not be significant as road improvements along Fulton Road are required and the Applicant shall pay its equitable fair share of cost for future improvements to the intersection located at River Road and the southbound US 101 Highway off ramp.

i. The Project Site is unique and appropriate for use as a church in that it is adjacent to and served by two major arterial roads (Fulton Road and River Road); all of the existing agricultural buildings to be converted to church uses are clustered at the northwest portion of the site; no new buildings will be constructed for the church facility; the existing vineyard will screen the new parking lot and the new athletic field as viewed from adjacent public roads; and the site is in close proximity to existing urban development in Larkfield and the unincorporated area of Fulton.

Whereas, the Board determines that the Proposed Project, as conditioned, with the exception of a 2.3 acre portion of the athletic fields, is consistent with the Williamson Act's principles of compatibility (Government Code 51238.1) for the following reasons:

1. The Proposed Project complies specifically with Section 51238.1(a)(1) of the Government Code in that the use will not significantly compromise the long-term productive agricultural capability of the subject contracted land or other contracted lands in agricultural preserves. Prior to issuance of the building permits for the change in use of existing buildings on the Project Site, the Applicant is required to execute the Open Space Easement to protect the existing vineyard and agricultural land from future development. Because the Applicant owns the vineyard, it can control Church activities so as to avoid interference with farming activities, which
comprise a source of income to the Church. There are no other nearby agricultural lands in agricultural preserves that would be significantly compromised or adversely impacted by the change in use of existing buildings. Project conditions of approval require landscape buffers between the northern and eastern borders of the site and adjacent off-site agricultural lands. Part of the intent of the landscape buffer is to provide a barrier between existing adjacent vineyards and the church use to mitigate noise, dust and pesticide uses which are normally associated with standard agricultural practices.

2. The Proposed Project complies specifically with Section 51238.1(a)(2) of the Government Code in that the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject land or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted land or neighboring lands, including activities such as harvesting, processing, or shipping.

Agricultural operations in the existing on-site buildings have ceased for at least three years prior to the date of the Proposed Project's approval, so there is no current agricultural production or processing operation that is displaced or impaired. Construction of only a 2 acre portion of the Proposed Project's 4.3 acre athletic fields component will not significantly displace or impair current or reasonably foreseeable agricultural operations because the Applicant will offset the 2 acre loss by simultaneously planting a currently unplanted 2 acre area located elsewhere on the Project Site. Existing on-site vineyards, including the 2 new additional acres of vines, are to remain in production until the Williamson Act contract is cancelled or phased out. The Applicant may construct the 2.3 acre balance of the planned athletic fields only upon cancellation or complete phase out of the Williamson Act contract. There are no nearby contracted lands that would be or have been impacted by the cessation of operations.

3. The Proposed Project complies specifically with Section 51238.1(a)(3) of the Government Code in that the use will not result in the significant removal of adjacent contracted land from agricultural or open space use. There are no properties abutting the subject property that are subject to Williamson Act contracts.

4. The Proposed Project complies specifically with Section 51220.5 of the Government Code in that the on-site and adjacent agricultural uses in the vicinity will not be hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area for the following reasons:

a. Prior to issuance of grading/building permits for the change in use of existing buildings on the property, the Applicant is required to execute the Open Space Easement. Because of this fact, even though the church will attract a large temporary population of people to the Project Site, it will not hinder or impair the agricultural operations because there is an in-perpetuity agricultural easement over the vineyard area and the Applicant will continue to own and operate the immediately adjacent agricultural lands. Because the Applicant owns the on-site vineyard, it can control church activities so as to avoid interference with on-site farming activities which comprise a source of income to the Church. There are
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June 5, 2007  
Page 7

no other nearby agricultural lands in agricultural preserves that would be potentially significantly compromised or adversely impacted by the change in use of existing buildings. Furthermore, the subject site and adjacent agricultural lands abut two major arterials (River and Fulton Roads) that already introduce a substantial human population to the project vicinity by virtue of associated traffic.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Mitigated Negative Declaration is adopted. PRMD is directed to file a Notice of Determination in accordance with CEQA and the State CEQA Guidelines.

3. The Proposed Project is approved as follows:

(a) As part of the third amendment of the General Plan Land Use Element for 2007, the General Plan amendment is approved. The General Plan Amendment shall consist of adding Santa Rosa and Environs Special Area Policy LU-14bb to read as follows:

LU-14bb: Further utilization of General Plan Policy OS-1c is prohibited on the 58 acre site (APN 058-080-056 and -61) that includes approved entitlements (PLP06-0099) for a maximum congregation of 1,500 people and limiting existing on-site buildings to the following uses and sizes: a 28,000 square foot assembly hall and indoor recreation area, a 24,000 square foot assembly hall, a 5,408 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 scenic Open Space Easement for the 39.815 acre agricultural portion of the property further restricts uses of that portion of the property to only agricultural uses.

(b) The Use Permit is approved, subject to conditions of approval set forth in Exhibit "A," attached hereto and incorporated herein by this reference. The Use Permit shall supersede and replace any and all previously-issued use permits on-site.

4. The Mitigation Monitoring Program set forth in Exhibit "A" is adopted. PRMD is directed to undertake monitoring in accordance with the Mitigation Monitoring Program to ensure that required project revisions and mitigation measures are complied with during project implementation.

5. The Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's
decisions herein are based. These documents may be found at the office of the
Clerk of the Board, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

SUPERVISORS.

KERNS aye  SMITH aye  KELLEY aye  REILLY aye  BROWN aye

AYES 5   NOES 0   ABSTAIN 0   ABSENT 0

SO ORDERED
CONDITIONS OF APPROVAL

Date: June 5, 2007  
Applicant: Spring Hills Community Church  
Address: 3700 Fulton Road, Santa Rosa

File No.: PLP06-0099  
APN: 058-080-056 and -061

Project Description: Request for a Phased Use Permit for a church with Phase I to have a maximum attendance of 900 persons and Phase II a maximum of 1,500 persons on 58.08 acres, and for a new General Plan Special Area Policy to allow varied development as per Open Space Element Policy OS-1c.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

BUILDING:

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.

2. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.

HEALTH:

3. Prior to building permit issuance the applicant shall submit a "Will Serve" letter for water to Project Review Health to verify compliance.

Mitigation Monitoring: Prior to building permit issuance the applicant shall submit a "Will Serve" letter for water to the Project Review Health Specialist to verify compliance.

4. Prior to building permit issuance, the applicant shall cause the on-site water supply system to be evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

5. Prior to building permit issuance, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a California State-certified lab. If the analysis shows contamination exceeding State or Federal standards, then 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.

6. Prior to the issuance of building permits, complete 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 Health Department, 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 Health Department in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and
sensing 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. 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.

7. If a water supply permit is required, then the water supply well is required to have a 50 foot annular seal. 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.

8. Prior to the issuance of any building 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:

9. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance. A copy of the Waste Discharge Permit shall be submitted to Project Review Health prior to issuance of a Certificate of Occupancy or project operation. An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any permits until the Project Review Health Specialist has received a letter of acceptance of an application for wastewater discharge from the North Coast Regional Water Quality Control Board.

10. Prior to building permit issuance, the applicant shall cause an analysis to be made by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate peak flows from all sources. Any necessary system expansion or modifications shall be done under permit and the current standards from the Well and Septic Section of the Permit and Resource Management Department and may require both soils analysis and percolation testing. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.

Mitigation Monitoring: PRMD shall not issue temporary or final occupancy or any related building permit until the expanded septic system is approved by PRMD and installed.

11. 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.

Consumer Protection:

12. Prior to the issuance of building permits and the start of any construction, plans and specifications for any facility serving food to the public or employees must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).

Solid Waste:

13. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to Building Plan Check. (Fees may apply). Note that
trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

PRIOR TO OCCUPANCY

Water:

14. Prior to occupancy, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by the Permit and Resource Management Department. The Project Review Health Specialist shall receive a letter from the Cross connection Control Specialist stating that backflow prevention has been installed as recommended.

15. 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:

16. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.

17. A safe, potable water supply shall be provided and maintained.

18. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this site shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Policy RC-3b of the Sonoma County General Plan and related County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.

19. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-Project Review Division at least once every five years.

Septic:

20. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental septic system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.

Consumer Protection:

21. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food related to church activities.

Noise.

22. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:
Maximum Exterior Noise Level Standards, dBA

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<td>5-15 Minutes</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>1-5 Minutes</td>
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<td>60</td>
</tr>
<tr>
<td>0-1 Minutes</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

Limit exceptions to the following:

A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.

B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.

23. Special Events were not requested and are not authorized by this Use Permit.

24. The use of the bullhorn shall be restricted to the athletic fields as shown on the Master Site Plan (prepared by Del Starrett, Architect - sheet number A 0.2.).

DRAINAGE REVIEW:

"The conditions below have been satisfied" BY __________________________ DATE __________

25. A preliminary drainage study of the pertinent watershed both for on-site and off-site improvements would be required. Preliminary design of downstream facilities to accommodate the public storm drain improvements and any necessary pertinent analysis to ascertain feasibility as well as capacity must be included.

26. Drainage improvements shall be designed in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the improvement plans, and be submitted to the Storm Water Section of the Permit and Resource Management Department for review and approval. A drainage study of the pertinent watershed for both on-site and off-site improvements is required. Design of downstream facilities to accommodate the public storm drain improvements and any necessary pertinent analysis to ascertain capacity must be included.

27. The design engineer shall include a site grading plan and an erosion control plan, as part of the required improvement plans, which shall also include all pertinent details, notes, and specifications.

28. Drainage improvements shall be designed in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the improvement plans, and be submitted to the Storm Water Section of the Permit and Resource Management Department for review and approval. A drainage study of the pertinent watershed for both on-site and off-site improvements is required. Design of downstream facilities to accommodate the public storm drain improvements and any necessary pertinent analysis to ascertain capacity must be included.

The design engineer shall include a site grading plan and an erosion control plan, as part of the required improvement plans, which shall also include all pertinent details, notes, and specifications.
Mitigation Monitoring: The Permit and Resource Management Department shall not issue a grading or building permit until evidence is submitted and approved by the Drainage Review section of PRMD that the improvements have been designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval and are shown on the improvement drawings. The developer's engineer shall include a site grading plan, and an erosion control plan as part of the required improvement drawings.

29. A copy of the Notice Of Intent (NOI) filed with the RWQCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency; must be submitted to the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue a grading or building permit until a copy of the NOI and WDID is submitted to the Drainage Review section of PRMD.

TRANSPORTATION AND PUBLIC WORKS.

"The conditions below have been satisfied" BY ___________________________ DATE ________

30. The developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:

   a. As necessary to contain the public improvements constructed on the developer's frontage with Fulton Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement described above.
   
   b. As necessary to create public right-of-way a total of 65 feet wide on the developer's side of the road, as measured from the engineer's centerline indicated on the plan entitled "Federal Aid Secondary Project No, S-SG-786(7)," dated March 1964, for the full length of the property's frontage on River Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement described above.

   c. A 15-foot wide overhead utilities overhang easement parallel with, and northerly of, the new River Road right-of-way described above. The south line of the easement shall be coincident with the new northerly River Road right-of-way line.

   d. To construct and maintain a 54 foot radius pavement return at the intersection of River Road with Fulton Road.

   e. To contain all public drainage facilities.

31. Right-of-way shall be dedicated using a Grant Deed. The developer shall have prepared a Grant Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded Grant Deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.

32. Access to the church and its related facilities, including the athletic fields, from River Road is prohibited.

33. Interior road design and on-site traffic management shall accommodate the peak traffic periods to prevent traffic from backing out onto Fulton Road.

34. Due to the increase in traffic and safety issues associated with the project, the Department of Transportation and Public Works (DTPW) requires construction of a left-turn lane on Fulton Road. The applicant shall provide monitoring of peak hour traffic conditions (PM weekday peak hour, and AM weekend peak hour) by a qualified traffic engineering consultant and provide an annual report to DTPW to evaluate when the left-turn lane is warranted per Caltrans standards. The left-turn
lane improvements shall be constructed within four years after an occupancy permit is issued for
the assembly hall in Phase 1 or when traffic warrants are met from annual traffic monitoring,
whichever occurs first. The improvements shall be constructed consistent with all left-turn
improvements listed in Condition #35.

Mitigation Monitoring: DTPW staff shall review the annual monitoring reports and require
construction of the left-turn lane when warranted or within four years of occupancy of the first
phase assembly hall, whichever occurs first. During construction of the left-turn lane, DTPW shall
conduct inspections to verify that all left-turn lane improvements listed in Condition #29 have been
constructed as required by DTPW. The Permit and Resource Management Department shall not
issue final occupancy of Phase 2 until construction of the left-turn lane is completed and public
road and access improvements are constructed and approved by DTPW consistent with Condition
of Approval #35. If improvements are not completed to the satisfaction of DTPW, this Use Permit
may be subject to modification or revocation.

35. In anticipation of a future left-turn channelization project to the north of this proposed project
(PLP05-0079, Kendall-Jackson Wine Center), the developer shall re-construct and pave full width
(52 feet with rock shoulders) northerly from the center of the main entrance to provide left-turn
storage, deceleration and future continuous two-way turn lane channelization between the
entrances. The left-turn lane shall be constructed within four years of occupancy of the first-phase
of the assembly hall or if traffic monitoring warrants, whichever is earlier. Specifically, the
developer shall construct or install improvements described as follows:

a. Construct road improvements necessary to create left-turn channelization and storage in
   the southbound direction at the Applicant's main entrance. Storage length of at least 100
   feet shall be provided in addition to 375 feet of deceleration length. The improved
   pavement width of Fulton Road is 52 feet, and shall include:

   1) 1-twelve (12) foot wide left-turn lane.

   2) 2-twelve (12) foot wide travel lanes.

   3) 2-eight (8) foot wide paved shoulders.

   4) Two (2) foot wide rock shoulder backing at each edge of pavement.

   5) An approach taper conforming to Caltrans standards for design speed and lateral
      lane shift.

   6) The final road shall have sufficient section to provide for a Traffic Index of 10.5.

   7) Overlay the full width of the existing road for the entire length of the new
      taper/transition striping with 0.2' of asphalt concrete.

   8) Install guardrail along eastside ditch or construct storm drain.

   9) If the anticipated future left-turn project at APN 059-170-037 (Kendall-Jackson)
      precedes this project, a cost sharing agreement will be developed by the Sonoma
      County Transportation and Public Works Department to pay for the cost to
      construct the portion of the continuous left-turn lane that bridges the gap between
      the two projects.

The improvements may vary depending upon the location and condition of the existing
improvements. Depending on the existing conditions, the improvements may consist of widening,
reconstruction, overlay, re-striping, drainage facilities, metal beam guard railing, overhead utilities
relocation, etc., all as necessary to create the required widths and structural section(s).

b. When the Fulton Road left turn lane is constructed, the width of Fulton Road shall be
   supplemented on both sides to provide a left-turn lane transition taper south of the
applicant's main (northern) entrance. The improvements shall include:

1) A paved tapered median.
2) 2-twelve (12) foot wide travel lanes.
3) 2-eight (8) foot wide paved shoulders.
4) Two (2) foot wide rock shoulder backing at each edge of pavement.
5) The final road shall have sufficient section to provide for a Traffic Index of 10.5.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-stripping, drainage facilities, metal beam guard-railing, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).

c. Prior to issuance of any building permits for Phase 1, the applicant shall apply for an encroachment permit to construct road improvements necessary to create a north-bound right-turn/deceleration lane at the applicant's main Fulton Road entrance, all in conformance with Caltrans "Highway Design Manual" requirements. The right-turn road improvements shall be completed prior to final occupancy of Phase 1 assembly hall. The improvements shall include:

1) One Twelve (12) foot wide storage/deceleration lane with a minimum length of 150 feet to be provided for vehicle storage.
2) Two (2) foot wide paved shoulder
3) Two (2) foot wide rock shoulder backing at edge of pavement.
4) The final road shall have sufficient section to provide for a Traffic Index of 10.5.
5) Two on-site entrance lanes shall be provided, one lane dedicated for the south-bound Fulton Road left turn entry movement and the second dedicated for the north-bound right turn movement off of Fulton Road. The two on-site lanes shall each be constructed for a minimum distance of 100 feet before they transition to one lane.

Depending on the existing conditions of Fulton Road, the improvements may consist of widening, reconstruction, overlay, re-stripping, drainage facilities, metal beam guard-railing, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).

36. All roadway improvements on Fulton Road shall include Two (2) class two (2) bicycle lanes that meet County standards.

37. A preliminary design of the required public improvements shall be submitted for review to the County Engineer in the Department of Transportation and Public Works prior to submitting plans to the Office of the County Surveyor in the Permit and Resource Management Department.

38. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall also be submitted with the first set of Improvement Plan check prints. The Traffic Index (TI) to be used for the pavement design of Fulton Road and River Road is 10.5.

39. The developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and the new pavement.

40. The developer shall have designed and constructed storm drainage facilities in accordance with Sonoma County Water Agency design standards. Drainage facilities shall be reviewed and cleared by the Drainage Review Section of the Permit and Resource Management Department.
To allow single-unit trucks or buses to make turns without having to enter the opposing lane of traffic, and to ensure adequate sight distance, the developer shall improve the intersection of the main entrance with Fulton Road in conformance to AASHTO Standards. The design shall consist of a simple curve with a minimum pavement radius of 40 feet and a minimum throat width of 44 feet. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the actual speed traveled on the public road servicing the property. The developer shall surface the entry between the edge of the existing pavement and the right-of-way line, or a minimum distance of 30 feet, whichever is greater. The portion of the entrance located within the public right-of-way shall be paved to provide for a Traffic Index (T.I.) of 10.5. The driveway improvements shall be in place before occupancy or commencement of the approved activity. This condition shall be void if the existing entry already meets these standards.

At the southern Fulton Road driveway, a curved on-site traffic island shall be constructed in conformance to AASHTO Standards to restrict Fulton Road turning movements to right-turn-only for ingress and egress. The driveway shall be designed with a minimum throat width of 24 feet (12-foot wide for each turning movement). On each side of the driveway, a 150-foot taper shall be constructed on Fulton Road to allow safe driveway ingress and egress. The westerly limit of the traffic island shall not reduce the width of the existing paved Fulton Road shoulder. Such improvements shall be constructed prior to occupancy of the Phase 1 assembly hall subject to the review and approval of DTPW.

42. The developer shall install:
   a. Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
   b. Replace guardrail as required by Caltrans design standards.
   c. Construct necessary culvert extensions and drainage improvements as required to widen the main entrance.
   d. Street lighting shall be installed at both Fulton Road project driveway entrances by the applicant subject to review and approval by the Department of Transportation and Public Works prior to occupancy of the assembly hall in the first phase.

43. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.

44. The developer shall employ a registered civil engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these Improvement Plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

45. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the improvement plans by the County Engineer in the Department of Transportation and Public Works.

46. Prior to issuance of a building permit for any new building or prior to any new use of an existing building, the developer shall pay Traffic Mitigation fees to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code. Evidence of payment shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.

47. The developer shall submit Improvement Plans for all required improvements to the Office of the...
County Surveyor in the Permit and Resource Management Department for review and approval. The Improvement Plans shall be signed by the County Engineer in the Department of Transportation and Public Works prior to the issuance of any Grading, Building or Encroachment permits.

48. Prior to construction of any improvements that are to be made within County road right-of-way, the developer shall obtain an Encroachment Permit from the Permit and Resource Management Department.

49. The developer shall complete construction of all the required left turn public improvements or enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within four years after an occupancy permit is issued for the assembly hall in Phase 1 or when traffic warrants are met from annual traffic monitoring, whichever occurs first. Included in this Improvement Agreement shall be a requirement that the developer enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1 year) after acceptance of the improvements as being complete by the County.

PLANNING:

"The conditions below have been satisfied" BY __________________________ DATE __________

50. This Use Permit is for a two-phased church facility utilizing former agricultural buildings. Phase 1 includes attendance up to 900 persons and the following: a 24,000 square foot assembly hall, a 28,000 square foot recreation building, a 4,800 square foot children activities building, a 6,600 square foot adult and youth activities building, a 5,400 square foot fellowship hall/meeting rooms, a 1,800 square foot office/meeting/classrooms building, and associated parking. Phase II of the proposed project shall commence when church attendance is 901 to 1,500 persons, the 28,000 square foot recreation building is converted to the main assembly hall, and the septic system is upgraded for a capacity of a maximum of 1,500 persons. 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. There shall be a maximum of 30 employees on-site at any time. The indoor and outdoor sports activities will be limited to a total number of 100 participants. Weekday evening classes currently are limited to 100 people per day. A 4.3 acre athletic field is approved as a part of this Use Permit. However, only 2 of the 4.3 acres of athletic fields may be constructed while the subject property is restricted by a Williamson Act contract. Prior to issuance of grading permits for construction of the athletic fields, the applicant must demonstrate that 2 acres of new vineyard will be planted to offset the loss of production. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP05-0095 as modified by these conditions. The Use Permit shall supercede and replace any and all previously-issued use permits on-site (PLP01-0095).
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51 The permitted hours of operation for the church buildings are as follows:

**Church Services, Assembly, and Small Groups:**

- **Friday 6:30 p.m. to 10:00 p.m.** maximum occupancy 300
- **Saturday 8:00 a.m. to 12:00 p.m.** maximum occupancy 200
  - **Saturday 6:30 p.m. to 10:00 p.m.** maximum occupancy 300
- **Sunday 9:00 a.m. to 1:00 p.m.**
  - **Phase 1** maximum occupancy 900
  - **Phase 2** maximum occupancy 1,500
- **Sunday 1:00 p.m. to 10:00 p.m.** maximum occupancy 300

**Business Office:**

- **Monday through Friday 8:30 a.m. to 5:30 p.m.** maximum occupancy up to 30 persons on-site at one time

**General Services for classes, bible studies, and counseling:**

- **Monday through Friday 9:30 a.m. to 3:30 p.m.** maximum occupancy 50
- **Monday through Friday 6:30 a.m. to 10:00 p.m.** maximum occupancy 100

**Inside Sports Activities:**

- **Monday through Friday 3:00 p.m. to 10:00 p.m.** maximum participants 100
- **Saturday and Sunday 9:00 a.m. to 3:00 p.m.** maximum participants 100
- **Monday through Friday 9:30 a.m. to 3:00 p.m. (summer)** maximum participants 100

**Athletic Fields:**

- **Monday through Friday (Winter) 3:00 p.m. to dark** maximum participants 100
- **Monday through Friday (summer/school vacations) daylight hours** maximum participants 100
- **Saturday and Sunday 9:30 a.m. to dark** maximum participants 100

(see temporary time restriction in Condition of Approval Nos. 54 & 55 below)

52. The applicant shall routinely advise the congregation and other users to use River Road and avoid Fulton Road until the left turn lane on Fulton Road is constructed per these conditions of approval.

53. Prior to the construction of the left turn lane, only athletics associated with the congregation's on-site youth and adult programs are permitted to use the athletic fields. No league sports or any other sporting events shall be conducted on the athletic fields prior to construction of the left turn lane on Fulton Road as required in Condition #35.
Mitigation Monitoring:

Any violation of this mitigation measure will be investigated by PRMD and could result in the modification or revocation of the Use Permit. No future building permits will be issued or finalized if there are any violations to conditions of approval for this Use Permit.

54. No services, events, indoor or outdoor athletic activities, classes, or any other church functions shall begin or end during the weekday peak traffic hours of 4:00 p.m. until the left turn lane improvements to Fulton Road described in Condition #35 have been completed to the satisfaction of the Transportation and Public Works Department.

Mitigation Monitoring:

Any violation of this mitigation measure will be investigated by PRMD and could result in the modification or revocation of the Use Permit. No future building permits will be issued or finalized if there are any violations to conditions of approval for this Use Permit.

55. Church services, events, functions, indoor or outdoor athletic activities or classes shall not be allowed to begin or end during the weekday peak hours of 4:00 p.m. to 6:00 p.m. until the intersection located at River Road and southbound US 101 off ramps are improved to reduce the LOS below "F".

Mitigation Monitoring: Staff shall conduct site visits to verify that any services, events, functions, indoor or outdoor athletic activities or classes do not begin or end during the weekday peak hours of 4:00 p.m. to 6:00 p.m. until improvements have been completed to acceptable levels reducing the LOS to "F" at the intersection located at River Road and the southbound US 101 off ramp. Any violation of this mitigation measure will be investigated by PRMD and could result in the modification or revocation of the Use Permit. No future building permits will be issued or finalized if there are any violations to conditions of approval for this Use Permit.

56. Phase II of the proposed project shall commence when church attendance reaches 901 people and an approved building permit is finalized to convert the 28,000 square foot recreation building to the main assembly hall, and the septic system is upgraded with an approved septic permit that meets all County regulations for a capacity of 1,500 persons.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit for Phase II of the proposed project until the intersection located at River Road and southbound US 101 off ramps is improved to reduce the LOS below "F". Phase II of the proposed project will commence when the church attendance reaches 901 to 1,500 persons.

57. There shall be no amplified sound, no permanent bleachers, and no outdoor lights associated with the athletic fields. The athletic fields shall be made available to the public upon request and when consistent with the Church's athletic events and programs. Outdoor activities related to religious exercise (i.e. weddings, funerals and church functions) are permitted within the developed portion of the church complex, including the athletic fields.

58. The applicant shall pay all applicable development fees prior to issuance of building permits.

59. Written notification shall be provided to all employees, guests and students which states: "The Spring Hills Community Church is located adjacent to agricultural lands and pesticide applications, dust, odor and other nuisances associated with agricultural activities may occur."

60. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior
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61. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.

62. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of $50 (or latest fee in effect at time of payment) for County Clerk processing, and $1,800 (or latest fee in effect at the time of payment), because a Negative Declaration was prepared, for a total of $1,850 made payable to the Sonoma County Clerk. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 7114(c)(3) of the Fish and Game Code.) NOTE. If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges. This fee must be paid to the County PRMD or the approval of this project is not valid.

63. At the time of submitting a building permit application, the applicant shall submit to the Permit and Resource Management Department a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.

64. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.

65. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.

66. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

67. Special events were not requested and are not authorized by this Use Permit.

68. All new structures or changes to the existing development, including but not limited to exterior building modifications, any new signs, new exterior lighting, new athletic fields, or parking lot improvements shall require prior review and approval by the Design Review Committee. The site shall be screened from Highway 101 with landscaping along the north and east portion of the project site.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

69. Prior to issuance of building/grading permits (including but not limited to exterior building modifications, parking lot improvements, new athletic fields, signs, or landscaping), Design Review approval shall first be obtained to review the site plan, building elevations, signage, lighting plan, landscaping and irrigation plans to minimize any visual impact through design and landscaping.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permits until the required plans have been given final approval by the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the
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Project Planner to verify all exterior building modifications, landscape improvements and lighting has been installed in accordance with approved plans.

70. Prior to issuance of building permits, an exterior lighting plan shall be submitted for review and approval by the Design Review Committee. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the sky. Flood lights are not permitted. All parking lot lighting shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. The athletic ball fields shall not be lighted.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the building permit for new lights until an exterior night lighting plan has been reviewed and approved by the Design Review Committee and is consistent with the approved plans and County Design Standards. The Permit and Resource Management Department shall not sign off the Building Permit for occupancy until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance or procedures to revoke the permit and terminate the use shall be initiated.

71. The following notes shall be included on building or grading plans for ground disturbing activities:

"If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff, the archaeologist and Tribal representative shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement to cease construction if archaeological materials are found during ground disturbing activities. The project planner shall work with the applicant in reviewing and revising construction plans if archaeological materials are found. (Ongoing during construction)

72. Prior to issuance of any related building permits, the applicant is required to file a Lot Line Adjustment application to increase the size of APN 058-080-061 (proposed church parcel) from 14.56 acres to 40.88 acres so that a majority of the existing vineyard is placed on the parcel with the proposed church uses or shall merge the two parcels.
Mitigation Monitoring: PRMD shall not issue any building permits until the Lot Line Adjustment is filed or the two parcels are merged.

73. Prior to issuance of the grading, septic and building permit for the change in use, the applicant shall execute an in-perpetuity Open Space Easement, acceptable to County Counsel and the Sonoma County Agricultural Preservation and Open Space District, covering the commercial vineyard portion of the site (i.e., excluding the portion of the site developed 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. Said easement shall include restricting structures to the existing 6,000 square foot agriculture storage building in the existing footprint.

Mitigation Monitoring: PRMD shall not issue any septic, building or grading permits until the Open Space Easement is reviewed and approved by PRMD, County Counsel, and the Sonoma County Agricultural Preservation and Open Space District, and recorded with a copy of the recorded easement submitted to the Project Planner.

74. Prior to recording the Open Space Easement, the applicant shall file an application for non-renewal or otherwise terminate the Williamson Act contract on the church parcel. Prior to issuance of a grading permit for construction of the athletic field, the applicant shall demonstrate that a minimum of 2.0 acres of new vines can be planted in the unplanted area currently adjacent to the 6,000 square foot existing agriculture building fronting River Road. The new vines shall be planted prior to or concurrent with the construction of the athletic fields. Only 2 of the 4.3 acres of athletic fields may be constructed while the subject property is restricted by a Williamson Act Contract.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit for the first two acres of athletic fields until a minimum of two acres of new vines are planted in the vicinity of the existing 6,000 square foot agricultural building prior to or concurrent with the construction of the athletic fields. No permits shall be issued for the construction of the remaining 2.3 acres of athletic fields until the site is completely phased out of the Williamson Act contract or the contract is otherwise cancelled.

75. Additional landscaping with trees and shrubs shall be required along the north, south and east portions of the developed portion of the church facility to provide a buffer between the church facility and on and off-site agriculture uses. Prior to issuing grading/building permits, a landscape and maintenance plan for the developed portion of the church facility is required to provide assurance that the landscape buffer shall be maintained to provide an adequate buffer between the developed portion of the site and surrounding on and off-site agricultural land uses in addition to retaining the visual integrity of the Community Separator. The landscape and maintenance plan shall be recorded prior to issuance of building/grading permits.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading/building permits until a landscape and maintenance plan is reviewed and approved by PRMD-Project Review staff and the Design Review Committee, and then recorded. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements have been installed in accordance with approved plans and has an approved maintenance plan.

76. Prior to the issuance of a building permit or grading permit the applicant shall pay their equitable fair share of costs for future improvements to the intersection located at River Road and the southbound US 101 off ramp and shall use the Caltrans methodology for calculating the equitable fair share cost.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required equitable fair share fees have been paid to the Department of Transportation and Public Works.

77. The applicant shall install on-site bicycle racks in the parking lot areas that meet the County standards.
78. The applicant shall submit a parking plan to the Project Planner that would accommodate additional parking spaces for church services that would be a maximum capacity such as Christmas and Easter.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until a parking plan has been approved by the Project Planner.

79. The applicant shall submit an on-site traffic management plan to the Project Planner that would alleviate any on-site congestion and would help to ensure that on-site traffic flow does not impact the traffic flow on Fulton Road.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until an on-site traffic management plan has been approved by the Project Planner.

80. Prior to occupancy "No Parking" signs shall be installed on both sides of Fulton Road from River Road to the north parcel boundary line subject to review and approval of the Transportation and Public Works Department.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit for occupancy until the "No Parking" signs are installed on both sides of Fulton Road.

81. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

82. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g., lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

83. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.
November 22, 2011

Singler & Dillon, LLP
Attn: Peter A. Singler
127 S. Main Street
Sebastopol, CA 95472

Re: General Plan Area Policy for Spring Hills Church

Dear Mr. Singler:

The purpose of this letter is to clarify one sentence that is contained in General Plan area policy LU-14bb as adopted by the Board of Supervisors in June 2007. The sentence reads:

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.

Your concern is that this sentence could be interpreted to require a use permit for any increase in building square-footage, even something as minor as a small addition for utility equipment. I can tell you unequivocally that the policy will not be interpreted that way. Such a restrictive interpretation would serve no beneficial purpose for the County or for the property owner. Further, the Church will always have an appeal option should it disagree with a future staff determination that a use permit is required.

We have talked about whether the term “expansion or intensification” requires a modifier—you have suggested “significant”—to ensure that the use permit requirement is not applied to minor building additions. The addition of such a modifier is beyond the scope of the technical correction now under consideration by the Board. Furthermore, staff believes that adding the term “significant” actually reduces clarity and would require its own definition to ensure consistent interpretation in the future. The owner can apply for a General Plan Amendment to make this modification, but you have indicated that the Church does not want to pursue such an amendment.

You also expressed concern that staff would not have authority to approve a “minor” expansion or intensification due to the restrictive nature of the General Plan policy. In fact, such authority is explicitly authorized in the use permit conditions. Condition 82 expressly authorizes the Director of PRMD to modify permit conditions and Condition 81 authorizes PRMD to determine whether any “modification, alteration, and/or expansion of the use” requires a new or modified use permit. The corollary is that PRMD can also determine that a modification, alteration and/or expansion does not require a new or modified use permit. These are both standard conditions of approval that apply to virtually all use permits and staff makes these determinations all the time. The sentence from the area policy in question does not negate or overrule the authority granted in these permit conditions. In fact, staff views this sentence as permissive rather than restrictive. That is, rather than restricting what the Church can do...
absent a new or modified use permit, this sentence actually allows additional development on the site
that would not otherwise be possible. As you know, approval of the Church use permit was made
possible through application of a General Plan policy (Policy OS-1c) that allows additional development
in a Community Separator in cases where there is a public benefit. The area policy adopted by the Board
in 2007 states that “[f]urther utilization of General Plan Policy OS-1c is prohibited.” In other words, no
expansion would be allowed in the future, period. The “notwithstanding” sentence then provides the
Church with the opportunity to expand or intensify through the use permit process.

Finally, I want to assure you that staff considers the land use issues related to the Church use of this
property to have been settled through the Board’s 2007 action, including adoption of the area policy
(LU-14bb). While staff did not recommend approval of the project, we recognize that our role is not to
make the final decision. In this case, the Board has approved the project and adopted a General Plan area
policy that provides guidance on future development. This eliminates the need for staff—now or in the
future—to revisit the General Plan consistency issues that were debated in 2007.

Please contact me if you have any questions about this letter.

Cordially,

Pete Parkinson, AICP
Director of PRMD

cc: File PLP06-0099
    Supervisor Mike McGuire
    David Hurst, Chief Deputy County Counsel
    Dean Parsons, PRMD Project Review Manager