

**Agenda of:** August 11, 2005

**Item No.:** 9.c.

**Staff:** Tom Dougherty

## **STAFF REPORT - SPECIAL USE PERMIT**

**FILE NUMBER:** S88-0026R1

**APPLICANT:** The Church of Jesus Christ of Latter-day Saints

**AGENT:** Patrick Elmer

**REQUEST:** Modification of to replace a ground mounted steeple with a roof mounted steeple for a total height of 68 feet 8.25 inches.

**LOCATION:** The project site is located on the north side of Green Valley Road, 100 feet east of the intersection with Loch Way, in the El Dorado Hills area. (Exhibit A).

**APN:** 067-270-32

**ACREAGE:** 11.068 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit B)

**ZONING:** One-acre Residential (R1A) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** Special Use Permit S88-0026 was approved by the Planning Commission on July 28, 1988, for the construction of a 14,760 square foot structure including a meetinghouse with a chapel, cultural center, multi-purpose rooms, and a 63-foot tall tower for the Church of Jesus Christ of the Latter Day Saints. The use permit conditioned the tower to remain under 50 feet in height because the applicant stated that actual height of the tower they had decided to use was only 50 feet tall.

**STAFF ANALYSIS**

**Project Description:** The proposal includes removal of the existing ground mounted concrete steeple poles and replacing them with a 40-foot tall aluminum clad, aluminum framed steeple mounted on the peak of the roof. The total height of the steeple would be 68 feet 8.25 inches from ground level and 40 feet taller than the existing peak of the roof.

**Site Description:** The project site is located on Green Valley Road east of Loch Way in El Dorado Hills. The parcel is flat to gently sloped (0 to 10 percent slope). Predominant vegetation includes grasses with existing landscape including predominately sycamore trees with existing mature blue oaks outside the parking lot. The existing steeple consists of four round concrete poles of varied heights in a grouping with the tallest being 50 feet tall.

**Adjacent Land Uses:** Single-family residential lots and uses surround the site on all sides. The surrounding tree cover and vacant land on all sides and Green Valley Road isolate the church from the views from the residences surrounding the site, and the only clear view of the church is from Green Valley Road.

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R1A	MDR	Church and parking lot
<b>North</b>	R1A	MDR west 1/2, HDR east 1/2	Single-family residential lots
<b>South</b>	R1A	MDR	Single-family residential lots
<b>East</b>	R1A	HDR	Single-family residential lots
<b>West</b>	R1A	MDR	Single-family residential lots

**General Plan:** The General Plan designates the subject site as Medium Density Residential. This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land activities.

General Plan Policy 2.2.5.9 allows institutional uses including churches by issuance of a special use permit.

**Conclusion:** As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

**Zoning:** Pursuant to Section 17.28.070 (A) of the El Dorado County Zoning Ordinance, the proposed use of the building as a place of worship is permitted in the R1A Zone District after a special use permit is obtained.

Pursuant to Section 17.28.080 (F), Development Standards for R1A Districts the maximum building height is 45 feet.

Section 17.14.150 of the Zoning Ordinance requires that towers, flagpoles, chimneys, and similar structures may be erected to a height greater than the building height limit required for the district in which it is to be located provided a use permit is first secured.

**Conclusion:** In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project will not be detrimental to the public health, safety and welfare and will not be injurious to the neighborhood.

**Agency and Public Comments:** The following agency commented on this application. A copy of their written comment is available at the Planning Services office. From their comments, the following issue was raised:

**El Dorado County Building Services:** The Building Division expressed that the proposed project is subject to a building permit.

**Discussion:** The requirement that the proposed project be subject to a building permit is incorporated in the Condition 5.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which states that minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination lead to the determination that the project is exempt from CEQA review. The key consideration is whether the project involves negligible or no expansion of an existing use.

Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. Find that the project is Categorical Exempt from CEQA pursuant to Section 15301 of the State CEQA guidelines; and
2. Approve Special Use Permit S88-0026-R1 based on the findings in Attachment 2, subject to the Conditions in Attachment 1.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval

Attachment 2 .....Findings

Exhibit A .....Vicinity Map

Exhibit B .....General Plan Land Use Map

Exhibit C .....Zoning Map

Exhibit D .....Site Plan

Exhibit E .....Elevations

Exhibit F .....Photos

**ATTACHMENT 1**  
**REVISED CONDITIONS OF APPROVAL**

**FILE NUMBER S88-0026R1**

**Planning Division:**

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project, as approved, involves replacing a concrete ground mounted steeple with a 40-foot tall aluminum clad steeple mounted on the southwesterly end of the roof peak. The total height from ground level is 68 feet 8.25 inches. Night-time lighting shall be prohibited.

2. All site improvements, sign locations, paints, and materials shall comply with the approved site plan. The approved site plan(s) shall consist of Exhibits D and E, attached. Changes not to exceed 10 percent of the square footage of buildings, minor location changes, and architectural feature changes may be approved by the Planning Director or designee. Major changes in building sizes or features will require an amendment to the approved Special Use Permit.

3. The project shall comply with the requirements of El Dorado County Zoning Ordinance Sections 17.28.050-080, (One-acre Residential).

~~1. 4.~~ Obtain a building permit from the County Building Division for the proposed structure. The proposed steeple shall be subject to the issuance of a building permit from El Dorado County Building Services.

~~2. 5.~~ Obtain approval of the proposed septic system from the County Environmental Health Division.

~~3. 6~~ Comply with all requirements of the El Dorado Hills Fire Department.

~~4. 7~~ Submit a grading and drainage plan to the County Department of Transportation.

~~5. 8.~~ Construct the access connection to Green Valley Road to County Standards.

~~6. 9.~~ Pay the El Dorado Hills/Salmon Falls Area Plan Road mitigation Fee of \$168.67 per daily trips generated based on the ratio of 10.7 trips per 1,000 square feet of building area.

~~7. 10.~~ Provide an irrevocable offer of dedication a 60-foot right-of-way on Green Valley Road as measured from the existing centerline in a form acceptable to the County.

~~8. 11.~~ Submit a final landscape plan.

The use authorized by this permit shall conform to the following conditions at all times:

- ~~9.~~ ~~The location of structures and uses shall conform to the approved site plan.~~
- ~~10.~~ ~~The pre-cast concrete tower shall not exceed 50 feet in height.~~
- ~~11.~~ 12. The monument sign shall be located outside of the proposed Green valley Road right-of-way.
- ~~12.~~ 13. The temporary construction sign must be removed prior to final occupancy.
- ~~13.~~ 14. ~~All exterior lighting shall be designed and located to prevent glare onto adjacent properties.~~  
All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
- ~~14.~~ ~~Minor modifications may be approved by the Planning Director.~~
- ~~15.~~ 15. The use shall commence and be diligently pursued within one (1) year from the approval of this special use permit or the permit shall be declared null and void.
16. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption

## ATTACHMENT 2 FINDINGS

### FILE NUMBER S 80-0138R1

1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15301 stating that minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination shall be considered exempt from CEQA review.
2. The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999, as discussed in the General Plan section of this staff report.
3. The proposed use is a permitted use in the One-Acre Residential Zone District upon issuance of a special use permit pursuant to Section 17.28.070G of the County Code.
4. The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.
5. This project may be approved subject to the following findings established in Paragraph 5, sub-paragraph 3 within the Final Writ which establishes that "the Court permits the County to issue any approvals, permits, or entitlements whether or not discretionary, for non-residential development; provided that such approvals, permits or entitlements comply with sub-paragraph (8) below..." Sub-paragraph 8 within the Writ establishes that the "County cannot approve or undertake any such project unless it finds, on substantial evidence, that:
  - a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.

Discussion: Pursuant to review of the submitted plans for the proposed project, as well as observations from a site visit it is evident to Staff that no substantial environmental impacts would occur that could not be addressed in the design review process. Additionally, none of the issues identified in the February 5, 1999, Court ruling will be affected by this project.

- b. The approval or project complies with all other requirements of law.

Discussion: The project will comply in all instances with the provisions of County Code.

- c. The project is consistent with the text and maps of the General Plan as of February 5, 1999, and there is no evidence that the development of the site would affect issues identified in the General Plan lawsuit that could impact the County's ability to adopt a new General Plan.

Discussion: The replacement of the existing approved steeples will not affect the County's ability to adopt a new General Plan.