

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	November 6, 2013
Item No.:	4.a.
Staff:	Aaron Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S80-0138-R-3/Church Picnic Shelter

APPLICANT: The Church of Jesus Christ of the Latter-Day Saints

AGENT: Maury Maher

REQUEST: Revision of Special Use Permit S80-0138 to add a 1,800 square foot covered recreational picnic shelter to an existing church facility.

LOCATION: The project site is located on the north side of Hacienda Road, at the intersection with Valerio Drive in the Cameron Park Area, Supervisorial District 4. (Exhibit A)

APN: 083-321-02 (Exhibit B)

ACREAGE: 9.398 acres

GENERAL PLAN: Multi-Family Residential (MFR) (Exhibit C)

ZONING: One-Family Residential (R1) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to CEQA Guidelines Sec. 15303.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15303; and
2. Approve Special Use Permit Revision S80-0138-R-3 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: The requested Special Use Permit revision proposes to add a 1,800 square foot recreational picnic shelter to an existing church facility. The shelter consists of a 30 foot by 60 foot roof with composition shingles to match the main church, resting on metal poles, and is fully open on all sides. The base would be surfaced with a concrete slab which supports picnic tables and benches. An adjacent turf area will provide additional space for outdoor uses. The primary use would be for youth and general gatherings for Church sponsored activities.

The conditions of approval are shown in strike out/underline format to show recommended changes.

Background: The Board of Supervisors approved Special Use Permit S80-0138 on March 3, 1981. The Planning Commission denied the permit based on questions regarding water and sewer service. At the appeal hearing, the water and sewer service questions were resolved and the project was approved. S80-0138 was then modified to allow a parking lot addition for the existing church. That revision was approved by the Zoning Administrator on March 18, 2001. A second revision to S80-0138 was approved by the Zoning Administrator on April 20, 2005 to remove a ground mounted steeple and replace it with a roof mounted steeple

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	MFR	Church and parking lot
North	RF (approx. 50 feet), R1 beyond	PF (approx. 50 feet), HDR beyond	Park and Single-family residences
South	R1	MFR	Single-family residences
East	R1	MFR	Single-family residences
West	RF (Recreational Facilities)	PF (Public Facilities)	Hacienda Park used primarily for passive recreation

The project site is visible from the adjacent residences along Hacienda Road and Valerio Road, along the south and east boundaries. Some residences located at a higher elevation in the neighborhood to the north are also able to view the church site.

Project Issues: Discussion item for this project is site compatibility which includes the potential for noise and visual impacts from the outdoor covered picnic area.

Site Compatibility: General Plan Policy 2.2.5.21 requires that a project be analyzed for compatibility with the surrounding area. The requested outdoor use area would be an extension of the church and would allow a covered area for uses already taking place on the site. The primary use would be for youth and general gatherings for Church sponsored activities and would not be used for

large events. The applicants have agreed to not have outdoor amplified voice or music which would reduce any potential impacts to adjacent residential uses to an insignificant level. In order to ensure compliance with General Plan Policies 6.5.1.6 and 6.5.1.7 staff has recommended a condition requiring that the outdoor area not be used for events past 10 p.m. consistent with General Plan Table 6-2. No complaints have been received by the County for any of the uses at the site. Any request for expansion of uses at the site beyond these specific conditions would require a revision to the Special Use Permit and a new public hearing.

The design of the picnic shelter would be consistent with the existing church by using composition shingles that match. Landscaping and additional trees along with turf would be added to the site. The design is typical of structures within passive recreation parks such as the adjacent park to the west of the church site. The Cameron Park Design Review Committee reviewed the project and recommended approval. There would be no significant visual impacts as proposed.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from CEQA pursuant to Section 15301. The project is consistent with Section 15303 as it allows construction and location of limited numbers of new, small facilities or structures such as accessory (appurtenant) structures like the proposed covered picnic area and the uses proposed are an extension of previously approved uses that would constitute a negligible expansion. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 1	Findings
Exhibit A	Location Map
Exhibit B	Assessors Plat Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S80-0138-R-3/Church Picnic Shelter
Zoning Administrator/November 6, 2013

Conditions of Approval:

1. Project Description: This Special Use Permit approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

Exhibit ESite Plan

Any deviations from the project description, conditions, or exhibits shall 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 description is as follows:

Approval of this Special Use Permit revision allows a 30 foot by 60 foot covered picnic area as an extension of the existing church on the parcel currently identified by Assessor's Parcel Number 083-321-02 to be used for youth and general gatherings for church related activities:

S80-0138 authorized a 24,880 square foot church with associated parking and landscaping.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. No outdoor amplified music or voices shall be allowed unless an acoustical analysis is submitted showing conformance with applicable General Plan Policies;
3. The outdoor picnic area shall vacated by 10 p.m. each day.
4. No lighting shall be installed as part of the covered picnic area structure
5. The structure shall match the architectural features and colors of the existing church.

6. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

7. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

8. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.

9. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

10. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

11. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

- ~~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.~~
- ~~2. The project, as approved, calls for replacing a concrete ground mounted steeple with a forty (40) foot tall aluminum clad steeple mounted on the southwesterly end of the roof peak. The total height from ground level is to be seventy one feet and four inches (71'4") from ground level.~~

3. ~~The structures and related uses are to be located on the property as shown on the site plan.
All site improvements, sign locations, paints and materials shall comply with the approved site plan(s). 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.~~
124. **Building Permit:** The applicant shall secure permits from the El Dorado County Community Development Agency Building Department Division for construction. ~~The proposed steeple shall be subject to the issuance of a building permit from the El Dorado County Building Division.~~
5. ~~The parking area shall be surfaced and lined in compliance with Section 9439(j3)(a), General Provisions and Exceptions: "Every parking stall and isle, except those accessory to one or two family dwellings, shall be surfaced, graded and drained so as to prevent dust, mud or stagnant water and identified by pavement markings."~~
6. ~~An encroachment permit shall be secured from the Public Works Department, Department of Transportation, with driveway widths and locations acceptable to the Cameron Park Fire Department; with access on Hacienda Drive to be addressed on said permit.~~
137. **Lighting:** Exterior lighting shall be installed so as not to reflect into neighboring residential properties. and 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.
8. ~~The permit is subject to the provisions of Ordinance Section 11.800. Zoning Administrator modified the original Conditions for the subsequent storage building:~~
9. ~~The applicant shall secure permits from the El Dorado County Building and Environmental Health Divisions prior to construction.~~
10. ~~The use shall be started and diligently pursued within one (1) from the date of approval of this special use permit modification or this permit shall be declared null and void.~~
11. ~~The project, as approved, shall conform to Exhibit D "Parking Expansion Site Plan" (December 2000, Nichols, Melburg, Rossetto & Everett) subject to any changes necessary to conform to the Cameron Park Fire Department access standards attached as Exhibit E as referenced by the Conditions of Approval for S80-0138-R(1).~~

- ~~12. Subject to the issuance of a grading permit from the El Dorado County Department of Transportation as referenced by the Conditions of Approval for S80-0138-R(1).~~
143. **Landscaping:** Landscaping shall be installed which substantially conforms to the Preliminary Landscape Plan. (December 2000, Tom Smith Associates) as referenced by the Conditions of Approval for S80-0138-R(1) and Exhibit E.
- ~~14. The parking lot shall be started and diligently pursued within one (1) year from the date of approval of this special use permit modification, or this permit, as referenced by the Conditions of Approval for S80-0138-R(1), shall be null and void.~~
- ~~15. The project shall comply with the requirements of El Dorado County Zoning Ordinance Sections 17.28.050-080, (One Acre Residential).~~
- ~~16. To insure compliance with Federal Aviation Regulation, Part 77, "Objects Affecting Navigable Airspace," proof of submission and acceptance of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) will be required. Prior to the issuance of a building permit, the applicant shall submit a letter from the FAA proving compliance with the regulation.~~
- ~~17. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption~~

Cameron Park Community Services District (CPCSD)

- ~~18. In lieu fees, park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to the issuing of a building permit and occupancy of the buildings. Contact (530) 672-7359 for details.~~

ATTACHMENT 2

FINDINGS FOR APPROVAL

Special Use Permit S80-0138-R-3/Church Picnic Shelter Zoning Administrator/November 6, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. The project is consistent with Section 15303 as it allows construction and location of limited numbers of new, small facilities or structures such as accessory (appurtenant) structures like the proposed covered picnic area and the uses proposed are an extension of previously approved uses that would constitute a negligible expansion.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

2.1 The issuance of the permit is consistent with the General Plan.

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.21 (Compatibility), 6.5.1.6 and 6.5.1.7 (Non-transportation noise sources) as the covered picnic area is designed to be compatible with the existing structures and conditions limiting outside uses have been included. The proposed project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Multifamily Residential which allows outside church uses with a special use permit.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The expansion of the church to add an outdoor activity area and covered picnic shelter will not be detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report because outside uses will have limited hours, no amplified music is allowed outside of the church, and the design of the structure will match the main church.

2.3 **The proposed use is specifically permitted by special use permit pursuant to this Title.**

The proposed use, as conditioned, is specifically permitted by special use permit in a One-Family Residential zone district pursuant to 17.28.030.D of the El Dorado County Code.

2.4 The use is consistent with the development standards for the One-Family Residential Zone district as set forth in Section 17.28.040.