

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution

No. 2013-009 A resolution amending conditions of approval for Conditional Use Permit No. 257; Catheys Valley Baptist Church. Assessor Parcel Number: 016-270-013

WHEREAS an application requesting to amend the conditions of approval for Conditional Use Permit No. 257 was received on April 19, 2013 from Catheys Valley Baptist Church for a property located at 4565 Cornetts Entrance Road in Catheys Valley, Assessor Parcel Number 016-270-013; and

WHEREAS the project proposes to amend Conditions of Approval No. 1, 6, and 15 to allow for a change in hours of operation, change timeframe for replacement of landscaping, and allow for 15 years to fully implement the project; and

WHEREAS the project also proposes to amend the approved site plan; and

WHEREAS the original Conditional Use Permit No. 257 approved site plan allowed for the construction of a church, and two educational buildings; and

WHEREAS only the church structure was constructed within the original three year timeframe allowed; and

WHEREAS the amended site plan proposes the construction of a fellowship hall with a kitchen and an educational building; and

WHEREAS staff also includes an amendment to Conditions of Approval by adding a new condition based on comments from the Health Department; and

WHEREAS a duly noticed public hearing was scheduled for the 21st day of June 2013; and

WHEREAS the Planning Department prepared environmental documents for Conditional Use Permit No. 257 in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS the Planning Commission adopted a Negative Declaration with Mitigation Measures for Conditional Use Permit No. 257, a Notice of Determination was filed with the County Clerk and the project was exempt from filing fees; and

WHEREAS the Planning Commission has determined that the previous environmental determination made for Conditional Use Permit No. 257 was not changed by the request for amended site plan and conditions; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission does hereby approve Amended Conditions Application No. 2013-078; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner Harris, seconded by Commissioner Becker, this resolution is duly passed and adopted on the 21st day of June 2013 by the following vote:

AYES: Harris, Becker, Harter, and Marsden

NOES: None

EXCUSED: Rudzik

ABSTAIN: None



Les Marsden, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
AMENDED CONDITIONS APPLICATION NO. 2013-078

Pursuant to Mariposa County Zoning Ordinance, Section 17.112.040, it is found that:

1. That adequate open space is being provided.

The site is currently developed with a church, parking, landscaping, and other appurtenant structures. The original approval for Conditional Use Permit No. 257 included the structures being proposed as part of the amended site plan in slightly different locations. All of the development will be situated on a 5 acre parcel, which will include undeveloped areas. Staff estimated that about 80% of the parcel open space will be maintained, which is adequate open space for this project. This will continue with the approval of the amended site plan.

2. That the site is physically suited for the proposed development.

The site is currently zoned Mountain Home. The parcel is mostly flat making the site physically suited for this development. There are adequate areas on-site for sewage, water and parking. The parcel to the north and east have residential development. The parcels to the west are in the agricultural exclusive zone and are used mostly for cattle grazing. The parcel to the south is zoned Mountain Home and is currently vacant. Mitigation was proposed to ensure that this project does not conflict with adjacent uses.

3. That adequate provisions have been made for sewage disposal and handling of solid waste.

The enforcement of County Health Department standards and the proposed conditions of approval will insure that sewage and solid waste disposal are handled adequately.

4. That the proposed development will have adequate potable water for public use and fire protection.

The State Department of Health Services Office of Public Drinking Water requires a permit for on-site public drinking water facilities for the church. This permitting procedure establishes requirements for the quantity and quality of water available for public use. A condition of approval for the use permit required the applicant to obtain the necessary permit and submit evidence of the permit to the Planning Director prior to occupancy of the structure.

The proposed project has been reviewed and is protected by the Mariposa County Fire Department. The applicant shall contact the fire department for verification of current fire protection development requirements at the time of building permit application. The proposed structure shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.

5. That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

The existing church is located in the center and slightly towards the front of the property and poses no property line setback issues. The proposed fellowship hall and education building will be required to meet the required setback standards from property lines. Staff estimates that approximately 80 percent open space is being maintained on-site. The required landscaping for exterior uses and the parking lot area shall provide appropriate buffers from adjacent land uses.

6. That appropriate access is available or is proposed to the development.

The proposed project is for a fellowship hall and educational building as part of an existing small rural church and will not substantially increase traffic flow. The additional appurtenant structures and slight change in approved hours of operation will not increase occupancy of the church. Public Works Department review of the project did not identify a need to improve Cornett's Entrance Road or Old Highway.

7. That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan.

As proposed, this project is not inconsistent with the setback standards of the Mariposa County zoning ordinance and will have no detrimental effect on the policies and standards of the County General Plan.

The General Plan allows for churches in the Residential land use with discretionary permits. The existing church was established through approved Use Permit No. 257. The amended site plan and conditions will allow for the development of appurtenant structures to the church: a fellowship hall with attached kitchen and an educational building.

8. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

A Mitigated Negative Declaration was approved for Conditional Use Permit No. 257 on June 19, 1998. Substantial changes are not proposed in the project which will require revisions to the Mitigated Negative Declaration. There is no substantial increase in the severity of the previously identified significant effects. The project's amended conditions do not add impacts or mitigation, and a new Mitigated Negative Declaration is not required to be re-circulated or approved. The project primarily

changes time frames for completion and changes the location of previously approved structures.

9. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

Exterior light requirements will insure that the surrounding properties are not exposed to excessive light impacts from the new church facility. The operation of a religious facility, and educational activities under the governance of a religious group, will not be detrimental to the health, safety, morals, comfort, and general welfare of the county or surrounding community.

10. FINDING: The extension of time to implement the approved site plan from three to fifteen (15) years is necessary and will not be detrimental to the public health, safety, and welfare.

EVIDENCE: An extension of time for project implementation will not be detrimental to the public health, safety, and welfare. All of the regulations for the church development, conditions of approval, and mitigation measures, which are designed to ensure that the church meets all public health and safety requirements, will remain in effect irrespective of the time frames for development.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Amended Conditions Application No. 2013-078

1. The Use Permit is approved for construction of a church building, parking facilities, a recreational ball field, an outdoor picnic area and other site improvements in accordance with the approved site plan on file at the Planning Department. The approved building space for the structure is 6,000 square feet.

The approved 6,000 sq. ft structure shall include a church, two office rooms and a preschool. The church will occupy approximately 3,000 sq. ft of the structure and the remaining area will be divided into two office rooms, one kitchen, restrooms and a preschool.

The hours of operation for the church and preschool shall be as follows:

Church: Sunday ***6 a.m. – 10 p.m.***, and Wednesday ***6 – 8pm***
Church Office: Monday through Friday, 8 a.m. – 5:00 p.m.
Preschool: Tuesday - Thursday 8-11a.m.

The ball field and picnic area may only be used from sunrise to sunset, to minimize potential noise impacts on adjacent residential land uses.

Minor amendments in the configuration, materials, and periods of operation of the church development may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility (any amount of a reduction in size of area of the facility may be allowed), and provided a finding can be made that the modification does not create impacts which were not addressed in the original approval. The use permit is granted for use of the building for religious worship and educational proposes by the church members only, and other church related functions. The property is located at 4565 Cornett's Entrance Road.

2. Prior to issuance of any building permit, the applicant shall submit scaled parking plans for the church and preschool. The plan shall meet the following: one (1) parking space shall be provided for each four(4) fixed seats in the sanctuary (18 linear inches along a bench is considered 1 fixed seat) or one (1) space per 50 square feet of building area if fixed seats are not provided.

One space per 200 sq. ft. shall be provided for the two offices.

The parking lots, and driveways shall be surfaced with an all weather surfacing which may be crushed rock or road base. The parking lots shall also comply with all

handicapped accessibility requirements as established by Title 24 of California Code of Regulations.

Wheel stops shall be installed two feet from the edges of pedestrian walkways, planters, and landscaped areas in order to protect these areas from vehicular damage.

3. The church building design shall meet the same conceptual design as the church picture submitted by the applicant, including steeple, portico at the front door, windows, trim, and wood siding. The base color for the proposed building shall be a color which blends with the colors of the surrounding environment. The roof of the building shall be of a dark color and non reflective. The applicant shall submit building elevations, a full set of plans for the building and a color palette showing the proposed colors for the building, siding of natural materials, trim, portico, and roofing, etc. which shall be approved by the Planning Director prior to issuance of a building permit to construct the proposed building.
4. All exterior lighting fixtures shall be of a hooded type, and shall be designed and located so as to confine lighting directly on the premises. Lighting should be of minimum, but adequate intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. A lighting plan and the design of the lighting fixtures must be submitted to the Planning Department prior to issuance of a building permit. Lighting fixtures shall not be installed in the picnic area and ball field.
5. Prior to the issuance of a building permit for the proposed church development, the applicant shall submit a landscaping plot plan for the ball field, picnic area, and the parking lot.
6. All landscaping shall be maintained in good condition in order to present a healthy and neat appearance for the life of the development. Dead or diseased plants shall be replaced as soon as possible and no later than 6 months from the time the plant died.
7. Refuse storage areas, dumpsters, and propane tanks shall be screened from view from adjoining parcels and the road. Proposed locations and screening of these facilities shall be reviewed and approved by the Planning Department prior to issuance of a building permit.
8. Prior to issuance of a Certificate of Occupancy to any building on the project site a wastewater disposal system shall be designed and installed in accordance with the County Health Department's specifications and requirements.
9. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be removed from the site on a weekly basis to maintain the site in a safe and attractive condition.

10. Prior to issuance of a Certificate of Occupancy, the applicant shall apply for and receive a domestic water supply permit from the State Department of Health Services/Drinking Water Field Operations Branch. Verification of the domestic water supply permit shall be submitted to the Planning Director.
11. Prior to the issuance of a building permit and prior to issuance of a Certificate of Occupancy, all fees associated with the County's processing of this project and filing of associated documents shall be paid.
12. Signs shall comply with size requirement in the Section 17.76.020.D of the Zoning Ordinance. The signs shall not extend above the peak of the roof of the building on which the sign is located.
13. The applicant shall contact the Mariposa County Fire Department for verification of current fire protection development requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
14. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on Cornett's Entrance Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. All engineered improvement plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.
15. The use permit shall be null and void if not used and/or fully implemented within fifteen (15) years from the date of Planning Commission approval (Mariposa County Zoning Ordinance 17.140.010).
16. Written permission from the Health Department is required for the use of portable restrooms.