

**COUNTY OF EI DORADO
PLANNING & BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Date: June 2, 2021
Item No.: 4.a.
Staff: Bianca Dinkler

CONDITIONAL USE PERMIT REVISION

FILE NUMBER: CUP20-0012/House of Prayer Addition

APPLICANT: James S. Woolums

OWNER: House of Prayer Family Fellowship

REQUEST: A request to allow a 3,000 square foot addition for multi-purpose room, meeting room, and pantry for an existing church, House of Prayer Family Fellowship.

LOCATION: On the west side of Highway 193, approximately 0.5 mile south of the intersection with Black Oak Mine Road, in the Garden Valley area, Supervisorial District 4. (Exhibits A, B)

APN: 060-550-011 (Exhibit C)

ACREAGE: 10.0 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit D)

ZONING: Rural Lands, Ten-Acre (RL-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 (Class 1 - Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

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

1. Find Conditional Use Permit Revision CUP20-0012 to be exempt pursuant to Section 15301 (Class 1 Existing Facilities) of the CEQA Guidelines; and
2. Approve Conditional Use Permit Revision CUP20-0012 based on the Findings and Conditions of Approval as presented.

EXECUTIVE SUMMARY

A Conditional Use Permit Revision for the addition of 3,000 sq. ft. to include a multipurpose room, meeting room, and pantry (no expansion of the sanctuary), at an existing church, House of Prayer Family Fellowship. The Conditional Use Permit Revision maintains consistency with the General Plan and Zoning Ordinance. Staff recommends approval of the project subject to the Findings and Conditions of Approval as presented. (Exhibit F).

BACKGROUND/HISTORY

The original Special Use Permit for the House of Prayer sanctuary was approved on September 3, 1997 by the Zoning Administrator which allowed the construction of and operation of a 4,709 sq. ft. church with associated improvements, including 70 parking spaces, one unlighted 20 sq. ft. sign, and landscaping. In 2016 a subsequent Special Use Permit Revision under application, S97-0011R, was approved on February 25, 2016 by the Planning Commission which would have allowed for an expansion of the existing church with added classrooms, offices, and a second building on the site; however, this permit was never exercised and has expired. The current revision filed in 2020 is for an addition of 3,000 sq. ft. multipurpose room, meeting room, and pantry (no expansion of the sanctuary).

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site is predominantly flat with gentle slopes. Access is from an existing encroachment onto State Highway 193. A seasonal drainage flows easterly into a pond and then into a culvert under State Highway 193, and into an unnamed creek. The primary structure on-site is the existing church sanctuary of approximately 4,709 sq. ft. with associated improvements, including 70 parking spaces, one unlighted 20 sq. ft. sign, and landscaping. Surrounding uses include residential uses to the north, east, and west, with vacant land zoned for limited agriculture to the south. All adjacent parcels are similarly zoned Rural Land, Ten-Acre (RL-10), except for the parcels to the south which are zoned Limited Agricultural, Ten-Acre (LA-10); all adjacent neighboring parcels have the same General Plan land use designation of Rural Lands (RR). The subject parcel is within the Rural Center of Garden Valley (Exhibits D, E).

PROJECT DESCRIPTION

A Conditional Use Permit Revision for the addition of 3,000 sq. ft. to include a multipurpose room, meeting room, and pantry (no expansion of the sanctuary), to an existing church, House of Prayer Family Fellowship. No additional landscaping, signage, or parking is proposed for the room addition. The House of Prayer currently offers weekly services however they currently are open on a limited basis and do not have regular business hours due to current limitations from the COVID-19 pandemic. The church also serves as the local food bank on a limited basis and provides food for their community members. The two neighboring parcels to the south are agriculturally zoned Limited Agricultural, Ten-Acre (LA-10) and within the Garden Valley-Georgetown Agricultural District and therefore there would be a 200-foot setback from the south

property line. The applicant requested relief by including an Administrative Permit application with their Conditional Use Permit Revision, and the project was reviewed by the County Agricultural Commission on March 10, 2021. The Agricultural Commission's formal comments with recommendation of approval for a reduced setback to 30-feet are included with this staff report. (Exhibits F, I).

STAFF CONSISTENCY ANALYSIS

General Plan

The applicable General Plan Policies that apply to the proposed addition include Policy 2.2.1.2. (Rural Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), and Policy 2.2.5.21 (compatibility with adjoining land uses). Further discussion is included in the Findings section.

Zoning

Section 130.21.010 - Zones Established; Applicability

130.21.010 C. 6. - Rural Lands, Ten-Acre (RL-10): The RL-10 zone is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160. Response: The proposed addition would be consistent with uses allowed in the RL-10 zone through an approved Conditional Use Permit (original permit S97-0011) and therefore the project is consistent with this section.

Section 130.30.050 - Setback Requirements and Exceptions

130.30.050 E. 1. a. - Setback standards on lots adjacent to agricultural zones states when the agriculturally zoned lot is located within a General Plan designated Agricultural District there is a 200-foot setback. Response: The two neighboring parcels to the south are agriculturally zoned Limited Agricultural, Ten-Acre (LA-10) and within the Garden Valley-Georgetown Agricultural District and therefore there would be a 200-foot setback from the south property line. The applicant requested relief by including an Administrative Permit application with their Conditional Use Permit Revision, and the project was reviewed by the County Agricultural Commission on March 10, 2021. The Agricultural Commission's formal comments with recommendation of approval for a reduced setback to 30-feet are included with this staff report. (Exhibit I).

Section 130.52.010 - Administrative Permit, Relief, or Waiver

130.52.010 B. 4. - Administrative relief and waivers of agricultural setbacks beyond the scope of the Director's authority are referred to the Agricultural Commission for consideration and approval. Response: The project was reviewed by the County Agricultural Commission on March 10, 2021. Their formal comments with recommendation of approval for a reduced setback to 30-feet for the addition are included with this staff report. (Exhibit I).

El Dorado County Agricultural Commission - Setback Relief

The proposed addition to the multipurpose room with meeting room and pantry would be built 30-feet from the south property line, which is adjacent to two agriculturally zoned parcels, Limited Agricultural, Ten-Acre (LA-10), which requires a 200-foot setback. An Administrative Permit application for setback relief was included with the Conditional Use Permit Revision (Exhibit G). The project was also reviewed by the County Agricultural Commission on March 10, 2021. The Agricultural Commission approved the request for setback relief from 200-feet to 30-feet from the south property line for the church addition. Their formal comments with recommendation for approval are included with this staff report. (Exhibit I).

Staff Analysis Conclusion

Planning staff has analyzed the proposed Conditional Use Permit Revision and determined it to be consistent with General Plan policies, Zoning Ordinance codes, Final Findings and Conditions of Approval of the original permit S97-0011, as well as all applicable policies instituted since the approval in 1997, and are further analyzed in the Findings discussion below.

APPLICABILITY OF PREVIOUS CONDITIONS OF APPROVAL

The original conditions of approval from S97-0011 are included for reference (Exhibit H). No changes to the original conditions are proposed since the current revision is for an addition for multipurpose room, meeting room, and pantry for the existing church which is not a use beyond what was originally approved.

AGENCY/PUBLIC COMMENTS

The project was distributed to and reviewed by the El Dorado County Planning and Building Department - Building Division, Environmental Management Department, Air Quality Management District, Department of Transportation, County Surveyor, Agricultural Commissioner, PG&E, Georgetown Divide Public Utilities District, Georgetown Fire Protection District, and Garden Valley Fire Protection District. All comments received are included as exhibits, and as conditions of approval, as applicable.

PUBLIC NOTICE

As specified in Zoning Ordinance Section 130.54.070 - Revision to an Approved Permit or Authorization, and in accordance with the procedures set forth in Zoning Ordinance Section 130.50.040 C. - Zoning Administrator-level Review with Public Notice and Public Hearing.

ENVIRONMENTAL REVIEW

The project is Categorically Exempt from CEQA Guidelines pursuant to Section 15301 (Class 1 - Existing Facilities) for additions to the existing structures provided that the addition will not result in an increase of more than 10,000 sq. ft., if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive; therefore, the addition to the multipurpose room with meeting room and pantry qualifies for the exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Location Map
Exhibit B.....Site Aerial Photo
Exhibit C.....Assessor's Parcel Page
Exhibit D.....General Plan Land Use Map
Exhibit E.....Zoning Map
Exhibit F.....Site Plan
Exhibit G.....Application Packet
Exhibit H.....Original Permit S97-0011
Exhibit I.....Comments, Agricultural Commission
Exhibit J.....Comments, County Surveyor
Exhibit K.....Comments, PG&E
Exhibit L.....Letter from Applicant, Response to EMD

FINDINGS

Conditional Use Permit Revision CUP-20-0012/House of Prayer Addition Zoning Administrator/June 2, 2021

1.0 CEQA FINDINGS

- 1.1 The Conditional Use Permit Revision, CUP20-0012, has been found to be Categorically Exempt pursuant to Section 15301 (Class 1 - Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines “for additions to the existing structures provided that the addition will not result in an increase of more than 10,000 sq. ft., if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive”; therefore, the addition to the church for the multipurpose room with meeting room and pantry qualifies for the exemption.
- 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 Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Rural Residential (RR) land use designation is to establish areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential (LDR) and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions. The proposed addition would be consistent with the RR General Plan land use designation.

Rationale: The site is already developed with an existing church, House of Prayer Family Fellowship. The proposed addition to the multipurpose room with meeting room and pantry is consistent with the RR General Plan land use designation and therefore consistent with policy 2.2.1.2.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 states that all applications for discretionary projects or permits including but not limited to General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The proposed revision for an addition to the multipurpose room with meeting room and pantry at the existing church is consistent with applicable General Plan policies as discussed in the Staff Report and therefore consistent with policy 2.2.5.2.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed revision for an addition to the multipurpose room with meeting room and pantry at the existing church would not create a visual incompatibility with other uses within the vicinity.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.21.010 - Zones Established; Applicability.

Rationale: 130.21.010 C. 6. - Rural Lands, Ten-Acre (RL-10): The RL-10 zone is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size

designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160. The proposed addition would be consistent with uses allowed in the RL-10 zone through the approved Conditional Use Permit (original permit S97-0011); therefore, the project is consistent with this section.

3.2 The project is consistent with Section 130.30.050 - Setback Requirements and Exceptions.

Rationale: 130.30.050 E. 1. a. - Setback standards on lots adjacent to agricultural zones states when the agriculturally zoned lot is located within a General Plan designated Agricultural District there is a 200-foot setback. The two neighboring parcels to the south are agriculturally zoned and within the Garden Valley-Georgetown Agricultural District and therefore there would be a 200-foot setback from this south property line. However, the applicant requested relief by including an Administrative Permit application with their Conditional Use Permit Revision, and the project was reviewed by the County Agricultural Commission on March 10, 2021. Their formal comments with recommendation of approval for a reduced setback to 30-feet for the addition are included with this staff report.

3.3 The project is consistent with Section 130.52.010 - Administrative Permit, Relief, or Waiver.

Rationale: 130.52.010 B. 4. - Administrative relief and waivers of agricultural setbacks beyond the scope of the Director's authority are referred to the Agricultural Commission for consideration and approval. The project was reviewed by the County Agricultural Commission on March 10, 2021. Their formal comments with recommendation of approval for a reduced setback to 30-feet for the addition are included with this staff report.

CONDITIONS OF APPROVAL

Conditional Use Permit Revision CUP-20-0012/House of Prayer Addition Zoning Administrator/June 2, 2021

Planning Services:

1. The project as approved shall allow the following improvements (Exhibit F):
 - a. A 3,000 sq. ft. addition to the multipurpose room with meeting room and pantry to the existing church, House of Prayer Family Fellowship.
2. All site improvements shall comply with the Site Plan (Exhibit F).
3. Indemnity: 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 developer and land owner 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 of El Dorado County concerning a Conditional Use Permit revision. The County shall notify the applicant of any claim, action, or proceeding, and County shall cooperate fully in the defense.

County Surveyor:

4. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act), prior to final sign-off of the building permit.