
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2004-028 A resolution amending conditions of approval for Conditional Use Permit No. 259; First Baptist Church. Assessor Parcel Numbers: 012-142-009/020

WHEREAS a request for amended conditions application was submitted by the First Baptist Church for approved Conditional Use Permit No. 259; and

WHEREAS this application is known as Project No. 2004-104; and

WHEREAS the request to amend various conditions of the use permit is based upon changes in the project which have become necessary based upon further design and development of the project plans; and

WHEREAS the request is also based upon conditions included in an escrow agreement and an approved Lot Line Adjustment with the County of Mariposa for purchase of property adjacent to the project site for Conditional Use Permit No. 259; and

WHEREAS staff recommends additional amended conditions to allow flexibility in project phasing; and

WHEREAS a duly noticed public hearing was scheduled for the 23rd day of July, 2004; and

WHEREAS a Mitigated Negative Declaration was adopted for Conditional Use Permit No. 259 at a public hearing on July 20, 2001; and

WHEREAS a finding has been made pursuant to Sections 15162 and 15164 of CEQA Guidelines that 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;

WHEREAS a Staff Report for the Request for Amended Condition Application 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;

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve the request for amended conditions, by amending conditions as shown on Exhibit 1.

BE IT THEREFORE FURTHER RESOLVED THAT all other project conditions as established by the Planning Commission on July 20, 2001 and as modified on August 8, 2003 remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT the original findings for project approval (Conditional Use Permit No. 259) are still valid for this project as shown on Exhibit 2.

BE IT THEREFORE FINALLY RESOLVED THAT the following additional finding for approval of amended conditions for Conditional Use Permit No. 259 is made and supported by substantial evidence in the public record:

1. A Mitigated Negative Declaration was approved for Conditional Use Permit No. 259 on July 20, 2001. 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 condition does not add impacts or mitigation, and a new Mitigated Negative Declaration is not required to be re-circulated or approved. The project only changes responsibility for road encroachment improvement, and allows flexibility in project phasing.


ON MOTION BY Commissioner Skyrud, seconded by Commissioner Turpin; this resolution is duly passed and adopted this 23rd day of July, 2004 by the following vote:

AYES: Ludington, Turpin, Rudzik, and Skyrud

NOES: None

ABSENT: Crain

ABSTAIN: None


Bob Rudzik, Vice Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier
Secretary to the Mariposa County Planning Commission

Exhibit 1

Changes to the conditions for Conditional Use Permit No. 259 follow (amendments shown in underlined italicized type for new text, and ~~strike through type for deleted text~~):

1. This use permit is approved for the following uses:

- a ~~17,264~~ 20,223 sq. ft. structure housing a 4,795 sq. ft. sanctuary with fixed seating for 548 persons, nursery, offices, library, chapel, classrooms and other appurtenant uses
- two 4,380 sq. ft. school buildings with a total capacity of 150 students, and a small playground area
- a 14,444 sq. ft. multi purpose facility to be used for church banquets, school performances and other church related uses.
- A parsonage and a 2,400 sq. ft. structure to be used for vehicles and storage pavilion as shown on the project site plans.

Daily hours of use on site shall be: Weekends: 8:00 a.m. to 10:00 p.m.
Weekday evening: 5:00 p.m. to 10:00 p.m.
School Hours: Monday – Thursday
 8:30 a.m. to 5:30 p.m.
Office Hours: Unlimited

Minor amendments to the configuration, materials, phasing, 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 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 project approval. The Use Permit is granted for use of the site for religious worship and other church-related functions. The facilities can be used for non-church related events provided all conditions relating to the use permit are met.

The approved architectural style of the sanctuary and multi-purpose structure shall reflect the Mission period of California history with light sand and earth tone stucco exterior and terra cotta metal roofs. The parsonage and school building shall have stucco exterior and metal or composition roof, but shall follow the architectural theme of the project. The metal garage/storage structure shall have an earth tone color with brighter or darker trim.

The maximum height of the peak of the roof for all structures shall not exceed 35 feet from natural grade. The bell tower, as an architectural feature designed to enhance the project design, may extend above the peak of the roof of the sanctuary building.

9. Grading on the site shall be minimized by using multiple buildings or buildings with stepped foundations conforming to the natural topography in accordance with Section 17.336.060(A)(1) of the Mariposa County Zoning Code. Representations regarding the proposed location and construction practices of project structures included in the application packet received by the Planning Department on April 16, 2001 and the

location of the site improvements as identified on site and inspected by Planning Staff on May 10, 2001 shall be adhered to. These representations include the following:

- The primary buildings for the project are located on a plateau area of the hill slope where the elevation change is reduced and allows for minimal grading for the buildings.
- The sanctuary and multi-purpose building are within a 10' height elevation and stepped in the interior floor plan to take advantage of the slope.
- ~~The sanctuary, which comprises 4,795 square feet of the sanctuary building, has been designed with sloped concrete and stepped foundation to follow the natural existing slope of the land.~~
- The school buildings have been designed to follow the cross slope of the land thus minimizing the grading required.
- Parking lots 1 and 2 will have different elevations and the area between the two parking lots shall be no steeper than a 4-1 slope (retaining walls may or may not be used) and will be planted with slope planting for erosion control.

The location of structures during actual construction may be changed from their original location providing they remain in the same general area shown on the site plan reviewed and approved by the Planning Commission and they are not relocated to an area with a greater slope than the original location. If moved to a location where the slope is greater, the new location shall be reviewed by the Planning Director prior to the issuance of a building permit to determine if hillside development standards for grading and foundation construction applies.

17. All of the phases shall be complete within ten (10) years of ~~the date of project approval~~ July 23, 2004.
19. ~~The property on which the project is to be located shall be annexed into the Mariposa Public Utilities District (MPUD) within five years of the execution date of the agreement between the permit holder and MPUD for the provision of water and sewer services or the service will be terminated. The termination of service will result in the ceasing of all activity at the site until such time as the site is annexed into MPUD or alternative methods are approved and constructed for the provision of water and the disposal of septic waste.~~
- ~~20. The school building to be constructed during Phase I, Stage 1 shall be used only for church offices and site construction offices.~~
- ~~21. The temporary access road to be constructed to serve Phase I, Stage 1 shall be a minimum 10 feet wide, surfaced with aggregate base, have turnouts spaced every 400 feet, have a turnaround at the school building used for an office of a minimum 40 feet radius from the center of the drive, and shall have a minimum 20 ton load design in accordance with State Fire Safe Standards. If a "Hammerhead T" is used, the top of the "T" shall be 60 feet across. The turnouts shall be a minimum of 10 feet wide, 30 feet long with a 25 foot taper at each end. The road shall be constructed to these standards and approved by the California Department of Forestry prior to the issuance of a certificate of occupancy for the first school building.~~

- ~~22. The project permit holder shall provide sufficient space to park 12 vehicles while the first school building is being used as for offices in accordance with parking standards for offices contained in Section 17.336.030, Parking Standards, Mariposa County Zoning Ordinance.~~
23. The application for MPUD to provide water and sewer service to the project site shall be approved by LAFCO, or the LAFCO annexation process shall be complete, prior to the issuance of a building permit for the ~~school building in Phase I, Stage 1~~ sanctuary.

OR

A contract or agreement for provision of new services to the project site shall be approved by LAFCO pursuant to Government Code 56133, prior to the issuance of a building permit for the sanctuary. The contract or agreement shall be approved by MPUD prior to LAFCO action.

- ~~24. The project shall be connected to MPUD for sewer service prior to the issuance of a certificate of occupancy for the first school building in Phase I, Stage 1.~~
25. The project shall be connected to MPUD water and sewer service prior to the issuance of a certificate of occupancy for the sanctuary in Phase I, ~~Stage 2.~~
26. Prior to any construction on the site, a driveway meeting the requirements of CDF and County Fire for the purposes of providing services during construction shall be in place. The completed driveway shall have a minimum 22-foot travel surface in accordance with commercial driveway standards contained in the Mariposa Specific Plan. Prior to the issuance of a certificate of occupancy for the sanctuary building, the driveway, 1,140 feet from its intersection with Highway 49N, shall have a minimum of an oil/chip seal surface with the remainder of the driveway to the entrance of Parking Lot 2 being paved with asphalt or concrete. The completed driveway shall have a minimum 22-foot travel surface in accordance with commercial driveway standards contained in the Mariposa Specific Plan.
32. ~~Prior to the issuance of a building permit for the sanctuary, the permit holder shall identify the location of an emergency egress route to Spriggs Lane. Prior to the issuance of a certificate of occupancy for the sanctuary, the emergency driveway route shall be constructed to connect to Spriggs Lane. The driveway shall be a minimum 18-foot wide graveled width and shall have a two-way breakaway gate and posted with a "Do Not Enter - Emergency Exit Only" sign where it intersects with Spriggs Lane. At the beginning point of the emergency driveway on the project site a two-way breakaway gate shall be installed and the driveway shall be posted with an "Emergency Exit Only" sign. The driveway shall have a minimum 20-ton load design. The emergency driveway shall be reviewed and approved by the Planning Department and Fire Department prior to the issuance of a certificate of occupancy for the sanctuary.~~

To address fire safety issues, all of the following conditions shall be met, as approved by the County Fire Chief and Planning Department:

- a) An area of "refuge on-site" shall be created with two zones of vegetation management. Vegetation management shall be provided for the life of the project, for a 160-foot perimeter area surrounding and contiguous to the parking lots and structures.
 - b) Zone 1 shall consist of an 80 foot perimeter area surrounding and contiguous to the parking lots and structures. Zone 1 shall receive intensive vegetation management, including irrigated landscaping.
 - c) Zone 2 shall consist of an 80 foot perimeter area surrounding Zone 1. Zone 2 shall receive moderately intensive vegetation management, including a ten foot "limb-up" requirement on trees, and elimination of all ladder fuels including native shrubs such as Manzanita, chamise, and chaparral. Natural grasses shall be mowed to 3 inches.
 - d) A vegetation management proposal shall be submitted by the applicant, and reviewed and approved by the County Fire Department and the Planning Department, and implemented by the applicant, prior to issuance of a certificate of occupancy for Phase 1. The vegetation management proposal does not waive landscaping requirements established by applicable design review standards.
 - e) The access road to the project site shall be a net 22 foot wide, asphalt paved road with no speed bumps.
 - f) The access road to the project site shall not exceed grades above 14%.
33. The property owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, of any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the county, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnity and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County counsel shall be executed within twenty (20) working days of the date of project Action. Non-compliance with this condition may result in revocation of project approval by the county.

Exhibit 2

1. Pursuant to Sections 15162 and 15164, CEQA Guidelines, it is found that:

A Mitigated Negative Declaration was approved for Conditional Use Permit No. 259 on July 20, 2001. 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 only changes the responsible party for completion of encroachment improvements.

2. Findings were adopted for the original and amended Conditional Use Permit Project by the Planning Commission. The Commission hereby re-adopts the previous findings for approval of the project, as no changes are necessary based upon the amendment to the responsible party for completing encroachment improvements. The previously adopted findings are available at the Mariposa County Planning Department.