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SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report U-82-31-MR3

| Application No. U-82-31-MR3 (Valley Evangelical Free Church) Project Planner: Travis Kroger, Planning Technician | Meeting of May 19, 2016 Agenda Item No. 4 |
|--|---|
| Applicant Jack Hamlin Valley Evangelical Free Church 5063 Maple Road Vacaville, CA 95687 | Property Owner Valley Evangelical Free Church 5063 Maple Road Vacaville, CA 95687 |

Action Requested

Consideration of Use Permit application U-82-31 to allow the continued use of the existing church complex, permit 2 modular classrooms for permanent placement, add commercial roof mount solar panels, and update future construction phasing plans.

| Property | Information |
|-----------------|-------------|
|-----------------|-------------|

| Size: 9.66 ac. (total) | Location: 5063 Maple Road | |
|--|---------------------------|--|
| APN: 0134-250-310 | | |
| oning: Rural Residential (RR-5) Land Use: Church | | |
| General Plan: Rural Residential | Ag. Contract: n/a | |
| Utilities: Existing well and septic system | Access: Benicia Road | |

Adjacent General Plan Designation, Zoning District, and Existing Land Use

| | General Plan | Zoning | Land Use |
|-------|-------------------|----------------------------|-------------|
| North | Rural Residential | Rural Residential (RR-2.5) | Residential |
| South | Rural Residential | Rural Residential (RR-2.5) | Residential |
| East | Rural Residential | Rural Residential (RR-2.5) | Residential |
| West | Urban Residential | Rural Residential (RR-2.5) | Residential |

Environmental Analysis

The project is covered by the Negative Declaration approved by the Solano County Planning Commission on August 5th, 1982.

Motion to Approve

The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-82-31-MR3 based on the enumerated findings and subject to the recommended conditions of approval.

BACKGROUND

On August 16th, 1982 the Solano County Planning Commission granted Land Use Permit U-82-31 to establish and a church and accessory buildings. On July 15th, 1993, the Solano County Planning Commission approved Minor Revision No. 1 to U-82-31 to modify the approved site plan to allow construction phasing and allow the continued use of 4 temporary modular classrooms. Minor Revision No. 2 was approved by the Solano County Planning Commission on June 6th 1996 to allow the continued use of the 4 temporary modular classrooms. An application for Minor Revision No. 3 was previously submitted June 15th, 2005 for a change in the location of future development on the approved site plan, but was withdrawn due to pending annexation into the City of Vacaville, which as of March 2016 has not yet taken place.

SETTING

The subject property consists of 9.66 acres of land, developed with 3 permanent buildings (auditorium, student center, and life development center), a gazebo, and 2 temporary modular classrooms. The site is currently served by an on-site well and private sewage disposal system. Vehicle access is from Maple Road and paved and striped parking is provided on-site.

Land uses fronting along Maple Road are mainly single family residences to the east, as well as several vacant parcels and another church. To the west, the land uses on the north side of Maple Road are residential and agriculture, and south of Maple Road is a subdivision within the Vacaville city limits.

PROJECT DESCRIPTION

The applicant has applied for a Conditional Use Permit revision to allow the continued use of the existing church complex, permit 2 modular classrooms for permanent placement, add commercial roof mount solar panels, and update future construction phasing plans. The subject property consists of approximately 9.66 acres (420,789.6 sf).

The plans for current development include installing roof mount solar panels on the existing buildings to provide power for onsite use, and performing any necessary work to place the 2 remaining modular classrooms on HCD approved permanent foundations to allow for continued use of the structures as long as they are needed.

Future development plans consists of a 4,600 square foot addition to the existing student center, with current plans to complete this project within 10 years.

No other changes to the site or land use are proposed.

LAND USE CONSISTENCY

The parcel is designated Rural Residential by the Solano County General Plan Land Use Diagram. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Rural Residential (RR-5) Zoning District is consistent with this designation.

The subject site is zoned Rural Residential (RR-5). Within this district, issuance of a Minor Use Permit is required for use as a church. Although the existing facility has been previously permitted via U-82-31-MR2 for use as a church, a revision is required due to the proposed changes described above.

All church land uses are subject to the general land use requirements provided in Section 28.73.30(A)&(B)(1) of the Zoning Regulations. These general requirements address access, encroachment, roads, and setbacks. Vehicle access to the site is provided via encroachment off Maple Road, a public road. The existing structures meet the minimum setback of 30 feet from the adjacent street (Maple Road). The site also met all specific requirements for a church at the time of the original Land Use permit approval.

The existing church is permitted via land use permit U-82-31-MR2; however the proposed project qualifies for a Revision pursuant to Section 28.106(I) of the County Zoning Regulations. The proposed modifications are being processed as a revision to the permitted use under U-82-31-MR3.

ENVIRONMENTAL ANALYSIS

The project is covered by the Negative Declaration approved by the Solano County Planning Commission on August 5th, 1982.

Assessor's property records indicate the effective age of development on APN 0134-250-310 to be built starting in 1984. On August 16th, 1982 the Solano County Planning Commission granted Land Use Permit U-82-31 to establish and operate a church on this parcel.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-82-31-MR1, subject to the recommended conditions of approval.

MINOR USE PERMIT MANDATORY FINDINGS

 That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.

This project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The site is provided with water and sewer service by an on-site well and on-site sewage disposal system. Access is provided via encroachment off Maple Road. .

3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

As conditioned, the proposed neighborhood commercial uses will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or 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.
- 5. The proposed project qualifies for a Revision pursuant to Section 28.106(I) of the County Zoning Regulations. The proposed modifications are being processed as a revision to the permitted use and will supersede the previously issued use permit U-05-29.

CONDITIONS OF APPROVAL

General

- 1. The above use shall be established in accord with the plans submitted with Use Permit Application No. U-82-31 and Minor Revisions No. 1, 2 and 3 as approved by the Solano County Planning Commission or Zoning Administrator.
- 2. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, converting or demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. Submit 3 sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
- 3. Prior to the issuance of any building permit, all requirements of the Solano County Public Works division shall be met including:
 - a. The permittee shall enter into an agreement with the Solano County Public Works division for the payment of certain improvement to be constructed by the Public Works Division or its contractor within two years of the approval of this application. The improvements shall include the construction of a new structure section, ditches and culverts and a 12" wide paved strip north of the road centerline along the church property, two driveways to be reconstructed with 20' radius curve returns and pavement for a distance of 20 feet measured from the proposed new road edge of pavement, and the installation and energizing of overhead streetlights for each driveway.
 - b. The permittee shall enter into an agreement with the Solano County Public Works division to pay for the future installation of curb, gutter and a 4' sidewalk on Maple Road along the church property when same is installed on the adjoining easterly property.
 - c. The permittee shall apply to the Public Works division for a grading permit for the revisions to the parking area.
- 4. All requirements of the Solano County Environmental health division shall be met including:
 - a. Prior to submittal for a building permit, application shall be made for the use of an evapotranspiration sewage disposal system and approval secured from this Division and the Central Valley Regional Water Quality Control Board.
 - b. The sewage disposal system shall be maintained as to not create a public nuisance.

- c. Permittee shall continue to adhere to all requirements outlined in CCR Title 22 pertaining to the operation of small public water systems.
- 5. Any changes in the drainage system for the parcel shall be approved by the Public Works division. This requirement shall include drainage changes necessary to construct the mound sewage disposal system. Special consideration shall be given to assure that drainage will not impact adjacent properties to the northeast and that no low lying areas subject to storm water ponding are allowed. If drainage problems develop, the permittee shall comply with necessary further directions of the Public Works division to solve drainage problems including cooperating with adjacent property owners if necessary.
- All landscaping areas shall be well maintained including the existing area along the Maple Road frontage and the landscaped berm areas along the east and west property boundaries.
- 7. A water supply for firefighting with at least a 50,000 gallon capacity and 2 drafting standpipes capable of supplying 2,000 gallons per minute shall be maintained on the property.
- 8. All parking shall remain on site. The parking areas and driveways shall be paved and striped consistent with the proposed plot plan.
- 9. Any expansion of the use beyond the current proposal will require a new or modified use permit and further environmental review.
- 10. The permittee shall take such measures as may be necessary to prevent offensive noise, glare, lighting or trespassing to neighboring dwellings.
- 11. Use of the two commercial coaches shall be exclusively for Sunday school classroom space subject to the requirements of this permit.
- 12. The area under and around each commercial coach shall be maintained clear of all dry vegetation for a distance of not less than 30 feet.
- 13. This permit will supersede all previous Land Use permits issued for this parcel.
- 14. Completion of the final phase of construction as shown on the submitted plans may take place up to 10 years from the issue date of this permit with no revisions necessary to this Land Use permit.
- 15. By signature of this permit, the permittee and its successors in interest agree to defend, indemnify, and hold the county and its officers, employees, and agents harmless from claims, demands, losses or expenses including attorney's fees and costs, occurring directly or indirectly by reason of or in connection with any negligent or intentionally wrongful acts of the permittee, or its agents, employees or subcontractors in the exercise of this permit with respect to claims by third parties for personal injury, property damage or other loss. The permittee furthers agrees to hold the county harmless from all claims, demands, losses, or expenses occurring by reason of or in connection with the issuance of this permit, any condition therein, and any and all associated approvals (including CEQA-related claims) and further, to reimburse Solano County for all County costs, attorney's fees, and other fees

incurred in the litigation thereof. This agreement is a covenant that runs with the land and shall be binding on all successors in interest to the permittee.

Permit Term

16. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

Building and Safety Division

- 17. All Requirements of the Solano County Building and Safety division shall be met including:
- a. The modular classroom buildings shall be permitted within 180 days of the issuance of this permit, and before power from the solar system is connected to the electrical meter which serves them. These buildings must be installed on permanent foundations and under the current code prescribed by the Department of Housing & Community Development (HCD) they must also be permitted and inspected through Solano County Building Division.
- b. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2013 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
- c. Certificate of Occupancy "111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
- d. Plans and Specifications shall meet the requirements as per Section 107 of the 2013 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official."
- e. The site and the buildings shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2013 California Building Code. The Solano County Building Division will be reviewing the plans for the

most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.

f. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

Attachments

A – Draft Resolution

B - Assessor's Parcel Map

C - Site Plan

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered allowing the continued use of an existing church complex, the permitting of 2 modular classrooms for permanent placement, the addition of commercial roof mount solar panels, and an update of future construction phasing plans for property located at 5063 Maple Road, east of the City of Vacaville in an "RR-5" Rural Residential Zoning District, APN: 0134-250-310, and;

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on May 19, 2016, and;

WHEREAS, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.

This project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The site is provided with water and sewer service by an on-site well and on-site sewage disposal system. Access is provided via encroachment off Maple Road. .

3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

As conditioned, the proposed neighborhood commercial uses will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or 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.

5. The proposed project qualifies for a Revision pursuant to Section 28.106(I) of the County Zoning Regulations. The proposed modifications are being processed as a revision to the permitted use and will supersede the previously issued use permit U-05-29.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved the minor revision subject to the following recommended conditions of approval:

General

- 1. The use shall be established in accord with the plans submitted with Use Permit Application No. U-82-31 and Minor Revisions No. 1, 2 and 3 as approved by the Solano County Planning Commission or Zoning Administrator.
- 2. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, converting or demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. Submit 3 sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
- 3. Prior to the issuance of any building permit, all requirements of the Solano County Public Works division shall be met including:
 - a. The permittee shall enter into an agreement with the Solano County Public Works division for the payment of certain improvement to be constructed by the Public Works Division or its contractor within two years of the approval of this application. The improvements shall include the construction of a new structure section, ditches and culverts and a 12" wide paved strip north of the road centerline along the church property, two driveways to be reconstructed with 20' radius curve returns and pavement for a distance of 20 feet measured from the proposed new road edge of pavement, and the installation and energizing of overhead streetlights for each driveway.
 - b. The permittee shall enter into an agreement with the Solano County Public Works division to pay for the future installation of curb, gutter and a 4' sidewalk on Maple Road along the church property when same is installed on the adjoining easterly property.
 - c. The permittee shall apply to the Public Works division for a grading permit for the revisions to the parking area.
- 4. All requirements of the Solano County Environmental health division shall be met including:
 - a. Prior to submittal for a building permit, application shall be made for the use of an evapotranspiration sewage disposal system and approval secured from this Division and the Central Valley Regional Water Quality Control Board.
 - b. The sewage disposal system shall be maintained as to not create a public nuisance.
 - c. Permittee shall continue to adhere to all requirements outlined in CCR Title 22 pertaining to the operation of small public water systems.

- 5. Any changes in the drainage system for the parcel shall be approved by the Public Works division. This requirement shall include drainage changes necessary to construct the mound sewage disposal system. Special consideration shall be given to assure that drainage will not impact adjacent properties to the northeast and that no low lying areas subject to storm water ponding are allowed. If drainage problems develop, the permittee shall comply with necessary further directions of the Public Works division to solve drainage problems including cooperating with adjacent property owners if necessary.
- 6. All landscaping areas shall be well maintained including the existing area along the Maple Road frontage and the landscaped berm areas along the east and west property boundaries.
- 7. A water supply for firefighting with at least a 50,000 gallon capacity and 2 drafting standpipes capable of supplying 2,000 gallons per minute shall be maintained on the property.
- 8. All parking shall remain on site. The parking areas and driveways shall be paved and striped consistent with the proposed plot plan.
- 9. Any expansion of the use beyond the current proposal will require a new or modified use permit and further environmental review.
- 10. The permittee shall take such measures as may be necessary to prevent offensive noise, glare, lighting or trespassing to neighboring dwellings.
- 11. Use of the two commercial coaches shall be exclusively for Sunday school classroom space subject to the requirements of this permit.
- 12. The area under and around each commercial coach shall be maintained clear of all dry vegetation for a distance of not less than 30 feet.
- 13. This permit will supersede all previous Land Use permits issued for this parcel.
- 14. Completion of the final phase of construction as shown on the submitted plans may take place up to 10 years from the issue date of this permit with no revisions necessary to this Land Use permit.
- 15. By signature of this permit, the permittee and its successors in interest agree to defend, indemnify, and hold the county and its officers, employees, and agents harmless from claims, demands, losses or expenses including attorney's fees and costs, occurring directly or indirectly by reason of or in connection with any negligent or intentionally wrongful acts of the permittee, or its agents, employees or subcontractors in the exercise of this permit with respect to claims by third parties for personal injury, property damage or other loss. The permittee furthers agrees to hold the county harmless from all claims, demands, losses, or expenses occurring by reason of or in connection with the issuance of this permit, any condition therein, and any and all associated approvals (including CEQA-related claims) and further, to reimburse Solano County for all County costs, attorney's fees, and other fees incurred in the litigation thereof. This agreement is a covenant that runs with the land and shall be binding on all successors in interest to the permittee.

Permit Term

16. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

Building and Safety Division

- 17. All Requirements of the Solano County Building and Safety division shall be met including:
 - a. The modular classroom buildings shall be permitted within 180 days of the issuance of this permit, and before power from the solar system is connected to the electrical meter which serves them. These buildings must be installed on permanent foundations and under the current code prescribed by the Department of Housing & Community Development (HCD) they must also be permitted and inspected through Solano County Building Division.
 - b. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2013 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
 - c. Certificate of Occupancy "111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
 - d. Plans and Specifications shall meet the requirements as per Section 107 of the 2013 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official."
 - e. The site and the buildings shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2013 California Building Code. The Solano County Building Division will be reviewing the plans for the

most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.

f. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on May 19, 2016.

BILL EMLEN, DIRECTOR RESOURCE MANAGEMENT

Michael Yankovich Planning Program Manager



