

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: February 12, 2009
Item No.: 8
Staff: Tom Dougherty

DESIGN REVIEW

FILE NUMBER: DR08-0005

APPLICANT/PROPERTY OWNER: Calvary Chapel of the Georgetown Divide, Pastor Jay McCarl

AGENT: Max Houck

REQUEST: Design review for an existing 1,920 square-foot assembly building, 256 square-foot deck, and associated lighting, signage, landscaping and parking.

LOCATION: East side of State Route 193, approximately 0.25 miles south of the intersection with Sliger Mine Road in the Greenwood area, Supervisorial District IV. (Exhibit A)

APNS: 074-100-40 and 41 (Exhibit B)

ACREAGE: 2 acres

GENERAL PLAN: Commercial (C) (Exhibit D)

ZONING: Commercial (C) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303(C) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Certify that the project is exempt from CEQA pursuant to Section 15303(C) of the CEQA Guidelines.

2. Approve Design Review DR08-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The two subject parcels were created by Parcel Map PM22-26 which created two one-acre parcels and was recorded November 15, 1978. The subject design review application was submitted on September 24, 2008 and was deemed complete on October 10, 2008.

Both parcels were designated with Commercial (C) zoning which became effective following the adoption of the Greenwood Area Plan Zoning Map on April 16, 1976. The two parcels were designated Commercial (C) by the current General Plan adopted July 19, 2004 and on the previous General Plan adopted July 19, 1996.

Calvary Chapel on the Georgetown Divide (CCGD) was established in 1991 and has operated continuously as a church since then. They first leased part of the existing 3,200 square-foot building and then in 1995, all of it. That building was constructed under Building Permit 30303 in 1980 as a print shop with office space but was done so without a Design Review application. The Church has used that building for their sanctuary and offices. In or around 2002, the prior property owner placed the modular building, the subject of this design review, without a building permit. The two buildings have been historically been used as a print shop and veterinary clinic prior to the church use.

In February of 2008, CCGD obtained ownership of the two parcels and is now attempting to bring that structure up to current occupancy code working with the Department of Housing and Community Development (HCD) and El Dorado County Building Services. They filed for Building Permit 189139 on June 19, 2008 which was issued October 6, 2008 for temporary occupancy with the stipulation that the result of the design review could change the permit elements. The subject application is required pursuant to Section 17.14.130 of County Code requiring that all multifamily and commercial development along a state highway be reviewed under a Design Review application by the Planning Commission.

The applicants recently finalized Caltrans Encroachment Permit 0308-6RCO138 for the culvert, encroachment widening, and surface improvements on the encroachment onto SR 193. CCGD plans to merge the two parcels in the future. The southern parcel containing the parking lot does not percolate for a septic system and there is insufficient area for both parcels to use the northern parcel for two septic systems and two replacement areas. As a condition of approval in lieu of requiring that the parcels be merged, a parking access agreement between the two parcels would be required as discussed further below in the Zoning section.

STAFF ANALYSIS:

Project Description: Design review for an existing 1,920 square-foot assembly building, new 256 square-foot deck, and associated lighting, signage, landscaping and parking. The building is used as an assembly hall and contains two classrooms, a stage, kitchen, bathroom and storage. A new pole light is proposed for the existing lower graveled parking lot on the adjoining one-acre parcel. That parking lot would be shielded from view from SR 193 by the addition of trees and

shrubs. With the exception of the pole light, no structures are proposed on the parcel with the project associated parking lot. No grading over 50 square yards is proposed, and no trees would be removed.

Site Description: The two-acre site is located at the 1,680-foot elevation above sea level and gently slopes from the northwest corner to the southeast portion of the parcel. Exhibit G shows the locations and labeled uses of the existing structures and other improvements for both parcels. There is an 8-foot by 20-foot sea land container between the two buildings currently leased but subject of a building permit. The following table shows the existing uses for the two buildings:

Building	Square footage	Uses, capacity, employees, hour of operation
Building A, sanctuary/church/office building.	3,200	<ul style="list-style-type: none"> • <u>Church services</u> held Sunday mornings from 7:30 am to around 1:00 pm. There are two services. They currently average 60 persons each service. • The building has a <u>maximum occupancy</u> of 178 persons. • <u>Church facility office</u> has regular hours of Monday to Wednesday, 9:00 am to 4:30 pm. During that time it is typically staffed by two volunteer secretaries and at least one full-time pastor. • <u>Other church meeting/events</u> include: <u>Youth Group:</u> Averages 30 youths. Currently meets Wednesday evenings. <u>Music Team practice:</u> Between 4 to 7 persons. Currently meets Tuesday evenings. <u>Food Give-Away:</u> Currently offered Tuesdays, noon to 3:00 pm. <u>Men's Prayer Meeting:</u> Averages 12 persons. Currently meets Saturday 8:00 am to 9:00 am. <u>Occasional special events:</u> Single-day seminars. Sunday evening services, approximately one every two months.
Building B, assembly hall/classrooms/accessory building.	1,920 modular building 256 deck	This is an accessory building to the primary church building. It contains a stage, open assembly area, classroom, kitchen, storage, and a bathroom. The facility uses folded tables and chairs when the open area is used. The classroom for the young church members is used during the time the adults are attending the Sunday services.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C	C	Commercial. Church/sanctuary building, assembly/accessory building, 8-foot by 20-foot sea land container, parking lot, signs.
North	R2A	MDR	Residential. Single family dwellings.
South	C	C	Residential. Single family dwellings.
East	RE - 5	LDR	Residential. Single family dwellings.
West	CG	C	Commercial grazing on leased vacant land.

Discussion: The surrounding parcels have predominately residential uses with single family dwellings and accessory buildings. The proposed assembly/accessory building would have minimal impacts on the neighborhood and can be found to be compatible with the surrounding development for an area planned for commercial land use, located in a Rural Center, and located along State Route 193.

General Plan: The General Plan designates the subject parcel as Commercial. The purpose of this land use category is to *provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.* The project uses the two existing buildings and sea-land container for church services and events, storage, and office uses that serve local residents. Therefore, it can be found that the uses and buildings subject of this permit request could be found to be in compliance with the General Plan policies.

Policy 2.1.2.1 established the Greenwood Rural Center boundary. The subject parcel is located within that boundary. **Policy 2.1.2.2** defines Rural Centers as *areas of higher intensity development throughout the rural areas of the County based on the availability of infrastructure, public services, existing uses, parcelization, impact on natural resources, etc.* **Policy 2.1.2.3** defines the purpose of Rural Centers as being areas intended to *meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.*

Discussion: Planning has found that the subject proposal does meet the intent of these policies by providing services for the benefit of the community within the Rural Center Boundary.

Policy 2.2.5.2 requires that applications for discretionary projects, such as a design reviews, shall be reviewed to determine consistency with General Plan policies.

Discussion: Planning has reviewed the project proposal and determined the project could be found to be consistent with all applicable General Plan policies.

Policy 2.2.5.21 directs that 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 project is proposed.

Discussion: Staff has found the design of the project's physical elements and the service uses are designed and located in a manner that predominately shields and separates the neighboring residential uses from the church activities and events, storage, and office uses. The parking lots would be shielded by the landscaping recommended to be required as shown in Exhibit K1. The proposed project, as conditioned, would be consistent with the intended uses for parcels zoned and General Plan designated for Commercial.

Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings and that consideration be given to the use of motion detectors or automatic shutoffs for lighting features in rural areas.

Discussion: Planning recommends that the project be conditioned to require that all exterior lighting to conform to Section 17.14.170, and be altered or replaced to be shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation with further restrictions for height of pole lighting and inclusion of motion sensors. The existing lights are shown in a photo in Exhibit M3. The locations of the existing lights on the buildings, and proposed pole light for the lower parking lot, are shown in Exhibits K1 and K2. It is recommended by Planning that the pole light would not exceed 16-feet in height from ground level. As conditioned, staff finds the submitted lighting plan complies with this Policy.

Policy 5.1.2.1 requires that there be adequate public utilities and services including water supply, wastewater treatment and disposal, solid waste disposal capacity, storm drainage, fire and police protection, and ambulance service exist or are available to the subject discretionary project.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: Both buildings have bathroom facilities, and Building B has a kitchen. The subject 1,920 square-foot building was reviewed by the El Dorado County Environmental Health Division for Building Permit 189139 and the addition to the existing approved septic system was found to be adequate. There is no grading anticipated over 50 yards, the parking lots exist, and no change in the drainage is anticipated. Caltrans Encroachment Permit 0308-6RCO138 was recently finalized and the drainage control facilities at the encroachment were upgraded. Solid waste service currently exists for the project site and is adequate for the proposal. Planning is recommending a condition of approval to require that the two existing dumpsters be shielded by a trash enclosure. Georgetown Divide Public Utility District (GDPUD) has an active treated water account for APN 074-100-40. A fire hydrant exists 300 feet south of the project site. Garden Valley Fire Protection District responded that they have no concerns with the project. Fire flow for fire protection and other emergency response capabilities are adequate. As conditioned, the project would meet the intent of these Policies.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: The project has been found by the Garden Valley Fire Protection District to meet minimum Fire Safe standards for the access road and turnaround capacity. Adequate police protection and ambulance service exist and the proposed project would not be anticipated to burden those services on a significantly.

Policy 6.5.1.8 directs that new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise to the levels specified in Table 6-1.

Discussion: The applicants submitted an *Environmental Noise Assessment* prepared by Bollard Acoustical Consultants, dated September 17, 2008. The study concluded that *standard commercial/residential construction is expected to provide no less than 25 dB of exterior-to-interior noise level reduction assuming windows and exterior doors are closed. Therefore, the project building is expected to provide the exterior-to-interior noise attenuation required to satisfy the applicable 40 dBL interior noise level standard.* For exterior noise levels, the study concluded that *future (2030) traffic noise exposure is not expected to exceed the applicable 60 dBL exterior noise exposure criterion at future outdoor play areas.* The study concluded overall that no interior exterior traffic noise mitigations are warranted for this project and therefore, the project meets the intent of this Policy.

Conclusion: The project has been reviewed in accordance with the General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: Both parcels are zoned Commercial (C). Both existing buildings comply with the minimum development standard for parcel sizes in C pursuant to Section 17.32.040 for minimum lot area of 5,000 square feet, for minimum lot width of 50 feet, and minimum yard setbacks of ten feet front and five on the sides and rear. Section 17.32.020 (A), through a chain a references to the (Tourist Residential) RT and Limited Multifamily (RM) zone districts, allows places of worship by right in C zone district.

Section 17.18.040 F refers to off-site parking and it states that *required parking may be located off-site when all of the following requirements are met:*

1. *Off-site parking for commercial or industrial uses is located on a site where parking is otherwise allowed and is located within five hundred feet of the site which it is intended to serve.*
2. *There shall be no hazardous traffic safety conditions for pedestrians utilizing off-site parking facility.*

3. *A parking covenant subject to the approval of county counsel is recorded between all concerned parties ensuring the continued availability of the off-site parking facilities for the life of the use that it is intended to serve.*

Discussion: The project site encompasses two parcels identified by Assessor's Parcel Numbers 074-100-40 and 41. In order to provide shared parking between two parcels, the applicant would be required to reserve a parking easement between parcels. The easement is reserved because a property owner cannot grant an easement to themselves. If the parcels would ever have two separate owners, the easement would be changed from a reserved easement to a full easement. This easement would need to be shown on the parcel map prior to filing.

Section 17.18.050 D relates to parking requirements for nonconforming uses.

2. *Whenever the use of any premises which is not in compliance with the parking standards of this code is enlarged, expanded, or intensified additional parking spaces consistent with this code shall be provided only for the enlargement, expansion, or intensification and not for the entire use.*
3. *Whenever the use of any premises which is not in compliance with the parking standards of this code is changed to a use where a higher parking demand is identified, additional parking spaces consistent with this code shall be provided only for the additional intensity of the use and not for the entire use. When the new use generates a lower parking demand, no additional parking spaces will be required.*

Section 17.18.070 (A) relates to parking lot construction standards. It states that *commercial and Industrial Parking. Parking areas for commercial and industrial developments shall be graded and surfaced with a minimum of two inches of asphaltic concrete over four inches of aggregate base or equivalent in concrete.*

Discussion: The applicants have stated that the use of the existing 1,920 square-foot assembly building does not intensify the use of the site directly; it just shifts some of the activities to another portion of the site. The parking lot on the adjoining parcel has been used by the church as a graveled parking lot since 1995, and could be considered legal nonconforming. It is only an intensification of the use that would require bringing the parking lot up to current standards.

Section 17.32.020 B lists parking lots as being permitted by right in the C zone district.

Discussion: The parcel identified by Assessor's Parcel Number 074-100-41 is also owned by the Calvary Chapel but has no structures. This would be permitted as a stand-alone parcel with only the parking lot on it. As discussed previously above, the applicant would be required to reserve an easement for shared parking with APN 074-100-40. Should the parcel be merged, the parking agreement would no longer be applicable.

Section 17.14.130 requires multifamily and commercial development along a state highway to be reviewed by the Planning Commission. The purpose of the review is to ensure the proposed structure is in keeping with the architectural character of the neighborhood.

Discussion: There is no distinct architectural style for this area, so the following discussion sections address general appearance, screening, and lighting issues associated with new construction for the Planning Commission to determine if the project is architecturally compatible with the surrounding properties:

Elevations: The elevation for the subject 1,920 square-foot building is shown in Exhibit H. The elevations of both buildings are shown with photos in Exhibits M1 to M3.

Building Materials: The buildings are both sided with plywood with slightly-pitched roofs with wood trim around the tops and windows. The 3,200 sanctuary building has a wooden façade above the full-length covered porch.

Colors: The 3,200 square-foot sanctuary building (Building A) is tan with forest green trim and light-green composition roofing. 1,920 square-foot assembly building (Building B) has light bluish-green walls and dark green trim around the top and windows. The applicants are proposing to paint Building B an earth tone color to match Building A. The colors of both buildings are shown with photos in Exhibits M1 to M3.

Signage: There are three existing signs on the two parcels that advertise for the Calvary Chapel. All the signs are shown in Exhibits L1 to L4. The sign locations are shown on the Site Plan, Exhibit G. Zoning Code Section 17.32.020 D permits *two signs not exceeding 50 square feet in total area of one display surface, or one sign not exceeding 80 square feet in area, advertising authorized activities on the premises*. One free-standing sign is mounted on a pole 7 foot 6 inches above the ground. It measures 12 inches tall by five feet wide, is lighted internally. There is an existing monument sign measuring ten-feet tall by six-feet wide but is not a solid square, as shown in Exhibit J1. Because it exceeds 50 square feet, it would be reduced to the size shown in Exhibit J3 so both free-standing signs could remain. Should the southern parcel (074-100-41) ever be sold separately, either a special use permit would be required by CCGD for an off-site sign, or the sign would be required to be removed.

Zoning Code Section 17.16.030 permits wall signs providing the signs *do not project more than twelve inches beyond the exterior face of the wall, providing the wall is a non-projecting, integral part of the building and providing the aggregate area of the wall sign does not exceed twenty percent of the total area of the wall*. There is one unlighted plywood wall sign mounted to the front of the sanctuary building with a tan background and green copy. It does not project from the wall over twelve inches and measures 7 foot six inches by 3 foot six inches it does not exceed 20 percent of the wall surface so therefore complies with this section.

Lighting: There are four wall lights on the front of the existing 3,200 square-foot sanctuary building (Building A) under the front porch roof. There is one parking lot light mounted on each of the buildings. There is one new pole light proposed to be added to light the lower parking lot. The full discussion of the lights is included above in the General Plan Policy 2.8.1.1 above.

Landscaping: The project is required to have a 5-foot wide buffer of landscape materials that, when mature, will partially shield the view from SR Highway 193 onto the site. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and

7.4.4.4. The landscape plan is included in Exhibit K1 and includes the applicant's choice of planting deodar cedar (*Cedrus deodora*) trees and Toyon (*Heteromeles arbutifolia*) shrubs at the location and spacing shown. The project would use drip irrigation supplied by a hose bib, and bubblers only and would use mulch with no landscape fabric for top dressing. The proposed landscaping and irrigation meets the standards for a Water Conserving Landscape and could be approved as shown in Exhibit K1.

Exterior Lighting Plan: The Exterior Lighting Plan, including fixture details, was provided for the site locations and is provided as Exhibit H. Planning staff has found this submitted plan, as conditioned, would meet County Lighting Ordinance requirements and could be approved. The final lighting plan submitted with the building permit will be reviewed for consistency with the lighting plan approved by the Planning Commissioners before the building permit will be issued.

Project Access and Parking: The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements and circulation. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The use of a church is specifically listed under Miscellaneous (45) which requires one space per four seats. The church facility has a maximum occupancy of 178 persons which translates into 45 spaces needed and two would be designated as handicap accessible with one of those being a van accessible. Of those 45 spaces required, Section 17.18.040 (A) allows 35 percent to be a compact space which means 16 of the 45. The project proposes 14 compact spaces and 38 standard spaces which totals 52 spaces. The project requires two handicap accessible parking spaces with one being van accessible. They exist today but would be required to be marked on the parking surface. The Parking Plan shown in Exhibit J shows the traffic circulation pattern and that adequate circulation capability exists. As proposed, the project complies with the Parking Ordinance.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(C) of the CEQA Guidelines Sections. Section 15303 (C) applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Map
Exhibit C	Parcel Map PM22-26
Exhibit D	General Plan Land Use map
Exhibit E	Greenwood Rural Center map
Exhibit F	Zoning map
Exhibit G	Site Plan
Exhibit H	Elevations for Building B
Exhibits I1, I2	Floor plans for Buildings A and B
Exhibit J	Existing Parking Plan, whole site
Exhibit K1, K2	Exterior Landscaping and Lighting Plan, whole site
Exhibits L1, L2, L3, L4	Existing signs, whole site. (Sign locations are shown on Site Plan, Exhibit G).
Exhibits M1, M2, M3	Site photographs
Exhibits N1, N2	Aerial photos

ATTACHMENT 1
CONDITIONS OF APPROVAL
DESIGN REVIEW

File Number DR08-0005/Calvary Chapel of the Georgetown Divide Design Review
February 12, 2009 Planning Commission Hearing

CONDITIONS OF APPROVAL

Planning Services

1. This design review is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through N2 dated February 12, 2009 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.

The project description is as follows:

Design Review for the construction and alteration of an existing 1,920 square-foot assembly building, a new 256 square-foot deck, and associated lighting, signage, landscaping and parking.

Planning Services Site Specific and Standard Conditions

2. All signs shall comply with Exhibits L1 – L4. The sign plans shall be reviewed for compliance with the approved sign exhibits by Development Services prior to final occupancy sign-off for Building Permit 189139. Should the southern parcel (074-100-41) ever be sold separately, either a special use permit would be required for an off-site sign, or the sign would be required to be removed from that parcel.
3. All outdoor lighting shall conform to the approved exterior lighting plan shown in Exhibits K1 and K2, and to County Code Section 17.14.170 and shall be altered, replaced or new ones installed so all are shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Security lighting shall be activated with motion-sensor. The final lighting shall be reviewed for conformance with the approved exterior lighting plan shown in Exhibits K1 and K2 prior to final occupancy sign-off for Building Permit 189139.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Development Services.

4. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits A to N2. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by Development Services prior to project modifications.
5. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The two Accessible spaces shall be clearly defined on the parking lot surface. Parking shall conform to Exhibit J and shall consist of the following:

Parking Stall Standard	No. of Spaces
Standard spaces	38
Compact spaces	14
Accessible spaces	2 total, 1 van accessible
Total	52

6. A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking to all property owners for parcels 074-100-40 and 074-100-41. A copy of said agreement shall be provided to Development Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Development Services prior to final occupancy sign-off for Building Permit 189139.
7. Prior to issuance of final occupancy, the applicant shall also schedule an inspection by Development Services prior to issuance of a building permit for verification of compliance with the conditions of approval.
8. The two existing dumpsters shall be shielded from view with a trash enclosure prior to issuance of final occupancy for Building Permit 189139.
9. All Planning Services fees shall be paid prior to issuance of final occupancy for Building Permit 189139.
10. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

11. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
12. 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, as provided in Section 66474.9(b) of the California Government Code.

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 of El Dorado County concerning a design review, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

ATTACHMENT 2

FINDINGS

File Number DR08-0005/Calvary Chapel of the Georgetown Divide
February 12, 2009 Planning Commission Hearing

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:

1.0 CEQA Findings

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(C) of the CEQA Guidelines Sections. Section 15303 (C) applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.
- 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.2 As conditioned, the proposal is consistent with the intent of General Plan Policies 2.1.2.1 (Rural Center boundaries), 2.1.2.2 (Rural Center definition), 2.2.2.3 (Rural Center purpose), 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), and 6.5.1.8 (noise impacts), because of the appropriateness of the subject project within a Rural Center, the review for General Plan consistency, and the minimal impacts to visual qualities, noise, traffic, and on existing emergency response capabilities. The project can be found to be compatible with the community, had review and conditional approval of by the Garden Valley Fire Protection District, there is adequate availability of utilities such as water, power and solid waste facilities, and the project adds a community benefit by supplying worship services to the local residents.

3.0 Zoning Findings

- 3.1 The project is zoned Commercial which allows places of worship by right. The 1,920 square-foot assembly/classroom building and attached 256 square-foot deck would comply with the minimum development standard for parcel sizes in C pursuant to 17.32.040 Section A for minimum lot area of 5,000 square feet. The said building would comply with Section C for minimum lot width of 50 feet, and Section D for minimum yard setbacks of ten feet front and five on the sides and rear.

4.0 Administrative Findings

- 4.1 The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood and can be found to have minimal, if any, public health, safety, and welfare impacts regarding traffic, noise, parking, lighting, and aesthetics issues.