

Attachment J

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Sidor, Joe (Joseph) x5262

From: Don Bonsper <dbonsper@outlook.com>
Sent: Tuesday, September 5, 2017 4:49 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333;
100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Jeanne Mileti; Don Bonsper; Sidor, Joe (Joseph) x5262
Subject: Fw: letter - reference permit #140863 and appeal

Dear Supervisors,

I am forwarding this email letter on behalf of a neighbor. I have offered to do this for other residents of Cachagua to make it easier for them to send their concerns to you.

Respectfully,

Don

Don Bonsper
Cachagua, CA

From: Jeanne Mileti <jmileti@haciendacarmelca.com>
Sent: Tuesday, September 5, 2017 11:50 AM
To: dbonsper@outlook.com
Subject: letter

Don,

Here is another letter. Would you mind sending it along? I really appreciate it.

Jeanne

TO: Monterey County Board of Supervisors

RE: Permit for Church at 19345 Cachagua Road

It is my understanding that the permit for a church on a residential zoned lot in our community was granted for a two year period, with a limit to the number of people allowed to be there at one time. It has come to my attention that the church has now appealed the permit that was granted and is asking for permission to waive the two-year period, and to have potentially as many as 455 people per week allowed to be on the property. The group that is asking for this is not from our area, but rather from a church located outside of

Cachagua. The small group of worshipers that actually emanate from the Cachagua area met happily for many years at the community park or the General Store, both of which accommodated them nicely without changing the area plan.

I have owned a home in Cachagua for over thirty years. The reason my husband and I purchased in this area, and indeed the vast majority of our neighbors did, was for the solitude and privacy living in the area affords. Living here does not, however, afford us the same conveniences those people who live in more populated areas enjoy. Many of the homes out here do not have electricity, we are all on propane, and we all have wells that provide our water. When I moved here, the weather was much wetter and the aquifer under Cachagua Valley still plentiful. Over the thirty years I have lived out here, however, I have seen many changes. With more homes comes more demand on the aquifer. The weather has become much drier, not just in drought years but overall. More homes have been built, and the two trailer parks have grown unchecked, with more and more people using the roads, water, and impacting the delicate ecology of the area. I have noticed a definite impact on our water table, and the road is something to be avoided at all costs during the hours people go to or come from work.

That being said, in the nineties many people in Carmel Valley applied for appropriative rights to the water they drew from a well. With the exception of those Cachagua residents who live along Carmel River, however, the residents of Cachagua could *not* apply for appropriation, as they could not prove they drew from a defined channel underground. Knowing that historical rights were dismissed at the hearings on the Carmel River that took place in Sacramento, this leaves us with virtually no solid water rights, in an area where our homes depend on the water we draw from a depleting aquifer. Imagine the implication this could have on our property values in the future.

Now we are being asked to share our aquifer with the equivalent of potentially 113 more households full of people (and this calculation generously considers a "household" as consisting of four people), in defiance of our area plan, the majority of whom will drive into and out of Cachagua over our already over-crowded winding country road. PLEASE consider the wishes and pleas of the the property owners of Cachagua. Do not make this worse that it already is, and allow this enterprise to add to the destruction of our property values!

Jeanne Mileti
P.O. Box 1458
Carmel Valley, CA 93924

(17811 Cachagua Road)

Supervisor Mary Adams
Monterey Courthouse
1200 Aguajito Rd. Ste. 1
Monterey, CA 93940

September 8, 2017

Dear Supervisor Adams,

I am writing in regard to the proposed expansion of the Sanctuary Bible Church. I live at 19350 Cachagua Road, directly across from the Church. I do not oppose a local church in this location, nor have I objected to any of its activities to date. However, I am deeply troubled by the approval for expansion granted by the Planning Commission (Permit #140863) and by the Applicant's subsequent appeal.

Last February I visited Church Pastor Orville Myers to discuss the proposed facility. My concern was that it might become a busy event center, with unlimited activities and even third-party lessees. This would be inappropriate for our neighborhood and inconsistent with the Cachagua Community Plan and Vision. Pastor Myers gave me a draft of the County's proposed conditions of approval (attached). I was pleased to see that the frequency, size, and types of activities had specific limitations, and to hear that the Pastor supported these conditions, including the event cap of 65 attendees and the exclusion of on-site alcohol. Many neighbors subsequently asked my opinion of the expansion, knowing that I was perhaps most affected, and I always replied that I was ok with the project given the County's sensible constraints.

I was shocked to learn that the Planning Department recently eliminated virtually all activity limitations, at the urging of the Applicant's lawyer, with no public input. Not satisfied, the Applicant now seeks to dilute two essential constraints imposed by the County—the 65-attendee cap, and the two-year permit expiration.

Many of us now feel completely misled about this project, and perhaps the Church's intentions. If the County does not believe it can legally impose the limitations necessary to safeguard our neighborhood, perhaps this use should not be permitted at all. The Board knows that the proposed project—now so different from that described to us by the Applicant—is not an as-of-right use; the County should first consider the concerns of those who already have rights under existing zoning.

I beg the county to re-consider this project given the last minute changes, and, at a minimum, reject the Applicant's appeal to negate critical constraints on this potentially disruptive expansion. Thank you.

Douglas J. Gardner
19350 Cachagua Rd.
Carmel Valley, CA 93924
dgcon@roadrunner.com

Sidor, Joe (Joseph) x5262

From: Don Bonsper <dbonsper@outlook.com>
Sent: Monday, September 18, 2017 4:27 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333;
100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Sidor, Joe (Joseph) x5262; Daniels, Katharine V.; Don Bonsper
Subject: Comments on Appeal for Use Permit #140863
Attachments: APPEAL_LOMBARDO_PLN140863_082517 - with opposition comments.doc

Dear Supervisors,

I have attached a copy of the appeal filed by Mr. Lombardo re admin use permit #140863 which seeks to establish a church at 19345 Cachagua Rd. The file contains comments, written in red, that represent input from residents of the Cachagua community. I have chosen to use the original file to make it easier to compare the allegations from the applicant and the comments from the community. The hearing for this appeal will take place on 17 October. I fully expect you will receive more input from other members of the community prior to the hearing.

Please feel free to have your staff contact me if you have any questions.

Respectfully,

Don

Don Bonsper
Cachagua, CA

Monterey County
CLERK OF THE BOARD



NOTICE OF APPEAL

1B/7AUG25 Pt1 1:38

Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
Title 11 (Zoning)

CLERK OF THE BOARD

GTB DEPUTY

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before 2S 1 (10 days after written notice of the decision has been mailed to the applicant). Date of decision 6/9/17.

1. Please give the following information:
 - a) Your name Anthony Lombardo, Lombardo and Associates
 - b) Phone Number 831-751 2330
 - c) Address 144 West Gabilan City S_a_l_i_n_a_s Zip 93901
 - d) Appellant's name (if different) Fir s t B ap...t is t C h u r ch

2. Indicate the appellant's interest in the decision by checking the appropriate box:
 - Applicant
 - Neighbor
 - Other (please state) _____

3. If you are not the applicant, please give the applicant's name: _____

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

	File Number	Type of Application	Area
		Type of Application	Area
a) Planning Commission:	<u>PLN140683</u>	<u>Use Permit</u>	<u>Cachagua</u>
b) Zoning Administrator:	_____		
c) Subdivision Committee:	_____		
d) Administrative Permit:	_____		

5. What is the nature of the appeal? *...''''4'*,
...''''4',

a) Is the appellant appealing the approval [!] or the denial **D** of an application? (Check appropriate box)

b) If the appellant is appealing one or more conditions of approval, list the condition number and state the condition(s) being appealed. (Attach extra sheets if necessary).

Condition 10 - (PD032) - Permit Length: limiting the life of the permit to 2 years.
Condition 30 - (PDSP003) - limiting the maximum number of persons to be at the Church at any time to 65 persons,

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for the appeal:

- There was a lack of fair or impartial hearing; or
- **The findings or decision or conditions are not supported by the evidence; or**
- The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will not accept an application for appeal that is stated in generalities, legal or otherwise. If the appellant is appealing specific conditions, you must list the number of each condition and the basis for the appeal. (Attach extra sheets if necessary).

Attached _____

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning). In order to file a valid appeal, you must give specific reasons why the appellant disagrees with the findings made. (Attach extra sheets if necessary).

Attached _____

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency- Planning will provide you with a mailing list.

9. Your appeal is accepted when the Clerk of the Board's Office accepts the appeal as complete on its face, receives the filing fee (Refer to the most current adopted Monterey County Land Use Fees document posted on the RMA Planning website at http://www.co.monterey.ca.us/planning/fees/fee_plan.htm) and stamped addressed **enveh**

APPELLANT SIGNATURE *h)* • DATE *ET/JS la*

ACCEPTED _____ DATE _____
_____ DATE _____
(Clerk to the Board)

March 2015

FIRST BAPTIST CHURCH (PLN140863)

POINTS OF APPEAL

BACKGROUND

First Baptist Church (**This is the Sanctuary Bible Church of Mid Valley**) ("the Church") proposes to establish a church on Cachagua Road (**19345 Cachagua Rd**). The Church site is a 10 acre lot that currently has two houses on it. One house will be used as the parsonage. The second house will be modified for use as a Church. The Church building would eventually have seating for approximately 65 persons. (**These would be the people coming to attend a Sunday service**). The Church plans to operate as a church normally would and offer a range of activities during the year. And as is typical with churches, there would be an ebb and flow of activities. Some days would be busy while others would have relatively little activity. **This is true of many enterprises. There are days intended to draw large numbers of people. In terms of a church, this is usually Sunday. It will be critical to ensure this Church does not engage in non-religious activities which have as their goal the creation of income.**

The Church began the use permit application process in November, 2014 when they received application instructions from the Planning Department. **The Church had purchased the property in July, 2014 when the previous owner had to sell for financial reasons.** As part of those instructions they were required to have several special studies done including:

- Biological report (Regan, 2015)
- Geologic and Soils Engineering Report (Landset, 2015)
- Percolation and Groundwater Study (Grice, 2015)
- Watt)r Den)and Estimate and Hydrogeologic Report (Feeney, 2015)
- Noise Assessment (Pack, 2016)
- Traffic Assessment (Pinnacle, 2015)

Additionally, during the hearing process the Church was required to prepare and submit additional reports to address drinking water standards and water system design. **They also had to address the parking requirements on the property and the potential threat to Cachagua Creek.**

As required by CEQA the County prepared an Initial Study. That Study was circulated for public review from September 19, 2016 to October 19, 2016. Based on the conclusions in the Initial Study the staff found that the Church would not have a significant effect on the environment and recommended that a Negative Declaration, meaning the Church required no mitigations and would not have significant effect on the environment, be adopted. The Planning Commission concurred. **The original LUAC meeting on October 28, 2015 was poorly advertised. The Church stated the current membership was small, 15-20, and that growth was not intended. No study addressed the concerns of the community which were later expressed at both hearings of the planning commission. The now clearly stated high level of use intended for the church property violates the Cachagua Area Plan and the Cachagua Vision.**

THE APPEAL

The Church's appeal has only to do with Conditions 10 and 30. The full text of the conditions is attached.

Condition 10: The Church believes Condition 10 should be deleted in its entirety. Condition 10 causes the Use Permit to expire in two years. This condition would require that the Church install a water system and make other improvements and then in less than two years apply for an entirely new Use Permit. That application would include new application fees (the application fee for this permit was \$16,420), may require additional studies, and would require public hearings and undoubtedly appeals, with their associated costs. This would all be with no assurance that the subsequent use permit would be approved. Such a condition is unprecedented in the County and places a substantial burden on the Church. **This condition is not unprecedented. The county routinely grants permits for cottage industries that expire after a period of time. The 2-year limit on this permit was the result of extensive opposition from the Cachagua Community and discussion among the commissioners. There is a great deal of uncertainty about what will actually happen when the church begins to function. Completing the water system requirements is necessary no matter what happens with the property. After expiration of the permit, a new process will occur to decide if the permit can continue. There will not be a need to pay all of the original fees again.**

Condition 30: The Church asks that Condition 30 be amended to add"...the maximum capacity shall not exceed a weekly average of 65 persons per day." The key factors for the Church's water, wastewater and traffic impacts were based on average daily or annual use. They were not measured by the maximum use for a single day. To limit use of the Church to a single day maximum of 65 persons places a limit on the use of the Church inconsistent with use permits that were found for other churches and is contrary to the nature of the typical operation and use of churches. **This is a key condition. We must remember we are talking about a church in a rural, residential community. There are many factors that restrict high intensity uses in Cachagua. The 65 persons per event is considered by many to be excessive. It is way beyond the spiritual needs of the 15-20 current members of the community. Allowing a maximum of 65 attendees at an event acknowledges many people coming from outside Cachagua. The church has not grown in its 9 years of existence so the growth to 65 would be unlikely if limited to residents of Cachagua. So to ask for an average of 65 per day per week would mean there is a desire to conduct large events with many more people than 65. An average of 65/day/week allows a total of 455 per week. This is totally inconsistent with every planning document related to the preservation of Cachagua as a special and sacred place. The environmental impacts from such high use would be significant.**

THE FINDINGS AND CONDITIONS ARE NOT SUPPORTED BY THE EVIDENCE

During the course of the Planning Commission hearing there was significant confusion caused in part by the staff's inability to explain the potential impacts of the Church particularly as they related to average daily use versus maximum daily use of water and wastewater. Therefore the Planning Commission's decision to limit the maximum daily use to 65 persons and to cause the use permit to expire in two years (and for which the Planning Commission made no specific findings) are not supported by the evidence. **This is a good time to remember the discussions from the hearings. During the hearings the members of the community expressed their grave concerns about this Church growing to a level that did not fit in Cachagua. The commissioners were also aware that this was a large change to a rural, residential property which was zoned as RC. Some residents did not want any kind of commercial activity on the property. That would include many uses that are commonly valued in an urban community: day care center, medical clinic, etc. Others allowed they would be ok with a continuation of current levels but did not really want growth.**

Water Demand:

The estimated water demand for the Church was calculated based on the water use figures and

practices of the Monterey Peninsula Water Management District ("the District"). The District has two categories of use in determining water demand: residential and non-residential. These water demand factors are based on numerous surveys and technical publications and reflect average water use. Water demand for residential use is based on fixture units (X amount of water per toilet, sink, washing machine, etc.). Non-residential water demand is calculated based on the proposed use and the square footage of that use. Table 1 of the Feeney Report clearly shows water use calculations for the existing uses (2 residences) to be 0.4 acre feet per year and the water use for the proposed use (one residence and the church) to be 0.376 AFY, a 0.024 AFY reduction. The Feeney Report concluded there would be a reduction in the intensification of water use and that the Church use would be "...much lower than adjacent properties of similar zoning (Feeney 2015, page 5)."

During the Planning Commission discussion the staff could not clearly explain how the water use for the Church was calculated, the different water use factors used by the District or provide the conclusions of the Feeney report. This was a critical factor in the Planning Commission's decision to limit the use permit to two years and limit the Church's use to a maximum of 65 persons per day. That decision is not supported by the evidence. **The decision to limit the permit to two years was in part a result of the concerns of the community. The suggestion that the obvious intensification of use will use less water than what is currently being used is absurd. If the event limit of 65 is removed then the potential daily use will be even greater. None of the studies considered the impacts of having a commercial enterprise with possibly hundreds of attendees for an event.**

Waste Water:

The quantity of waste water the Church would produce was an average of 300 gallons per day. That is equivalent to a single family dwelling. It was not clearly presented to the Planning Commission that the 300 gallons per day is an average daily use and is not intended to be a daily maximum. This too was a critical factor in the Planning Commission's decision to limit the use permit to two years and limit the Church's use to a maximum of 65 persons. Planning Commission's decision is not supported by the evidence. **The water treatment report states that one gallon of potable water requires a total of two gallons of water. The report concluded there would be a daily demand of 672 gallons a day in order to provide the 336 gallons needed for water usage. This far exceeds a normal household. Again there was no direct consideration of water demand or waste water for an event with hundreds of people.**

We have had further discussions with Janna Faulk of the Environmental Health Bureau on this question. Ms. Faulk, on August 24th, stated that EHB would agree to a condition that did not have a maximum number of persons allowed per day provided the weekly average did not exceed 65 persons per day.

The Church agrees with the EHB recommendation. **This is wrong. What are the grounds to agree to this change? This means there can be 455 people attending events each week. It would be possible to have an event on one day with hundreds of people if there are few people the other days. This arrangement is establishing the property as the location of large events, something that is very far from the modest spiritual needs of the Cachagua community. How will the water demand be met? What about the demands on the septic system? Where will the porta potties be placed? The desire to hold large, income producing events on this RC property casts doubt on the approval of the use permit in its entirety.**

Traffic:

The Initial Study states "Policy CACH-2.6 of the Cachagua Area Plan establishes LOS C

as the acceptable level of service for County roads and intersections within the planning area. LOS C would equal to 10,800 ADT (average daily trips). RMA Public Works performed traffic counts for Cachagua Road on August 4, 2015 which resulting in traffic count of 709 vehicles per day. The Project Trip Generation Analysis and Traffic Impact Fee(s) report submitted for the project concluded that project implementation would increase the traffic counts by 112 daily trips. The combined existing and projected traffic trips would equal to 821 daily trips, which would be well below 10,800 ADT. Therefore, the operational components of the project would have no impact to the LOS of Cachagua Road and would not conflict with local or regional policies or regulations for circulation."

The acceptable level of service in Cachagua is LOS C (10,800 ADT). The traffic on Cachagua including the proposed Church use is estimated to be 821 ADT, less than 6% of the LOS C ADT.

The Planning Commission's finding that it had to limit the use permit to two years and to limit the Church's use to a maximum of 65 persons due to traffic constraints is not supported by the evidence. **The planning commission did not impose the conditions of a two year permit and daily event limit of 65 because of traffic constraints. The LOS C for Cachagua Rd is irrelevant to any traffic impacts from this project. Cachagua Rd could never get close to 10,800 ADT per day. The traffic impacts come from added noise and increased risks to public safety. Cachagua Rd is a popular destination for bicyclists and motorcyclists, especially on weekends. Every new car on Cachagua Rd represents a risk and hazard for the residents. Allowing large events at this location will have a tremendous traffic impact during the time of the event. This can include the need to park extra vehicles along Cachagua Rd or closer to Cachagua Creek.**

Establishing the Maximum Capacity for a Church is Unprecedented in the County:

We have reviewed County records and cannot find a use permit to establish a church that included a condition establishing a maximum daily limit. The County staff did a similar review and found one instance where a limit was placed on a camping activity that was done in conjunction with an existing church but even then there was no daily limit on the number of persons who could attend church activities. **This is different. We are not talking about limiting the capacity of a functioning church. We are talking about changing a rural, residential parcel from RC zoning to a PQP use to establish a church. The property cannot support unlimited use. It has constraints in terms of its inherent features plus the impacts on the rural neighbors. It would be better to locate the church on a properly zoned parcel. Maybe it is time to deny this permit completely and avoid any discussion about limiting activities. There is no reason why a church has to be allowed since the community would oppose all commercial uses of the property.**

Two Year Expiration:

The use permit is conditioned to expire two years from the date of the completion of a new water system. It is estimated that the water system and other initial improvements will cost \$75,000 and the other planned improvements will be an additional \$300,000 to \$400,000. This time limit is intended, as we understand it, to give the Planning Commission an opportunity to review the permit and to consider whether or not to allow the Church to continue to operate. There are no specific findings to explain why it is necessary to require a re-examination of the Church's

activities in two years, why it is necessary to cause the permit to expire the permit to do that review or why the current provisions in the Zoning Ordinance are insufficient. **The two-year period is for the residents. They are the ones that will be affected by this dramatic change to one of their precious residential parcels. They will watch and report on what really happens if the church starts to function. For two years the current group has conducted “bible studies” every Sunday morning. There is an average of 9 cars that carry the attendees to the service. Once the church starts to operate as an official church there should be an increase in the number of people attending services and they should come from outside Cachagua. There will be an opportunity to observe the real impacts on traffic in terms of noise and safety. There is no need to do the expensive interior improvements immediately.**

Section 21.74.040 A of the Monterey County Code states "Where one or more of the conditions of a Use Permit have not been, or are not being complied with, or when a Use Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Use Permit following public hearing pursuant to Chapter 21.78 of this Title." Under this section should there be evidence that the conditions of approval are not being met or that the information the applicant provided was incorrect, the Planning Commission has the authority to bring this permit back at any time for public hearings and may revoke or amend the permit. **The reality is that the county does not have the resources to monitor compliance for the many use permits that are active. In this case it will fall to the neighbors to report any violations of the use permit conditions. These are the same neighbors that do not want the expansion in the first place.**

The resource constraints mentioned in Condition 30 do not exist to a degree that would necessitate conditioning this permit to expire in two years. The County's Initial Study for the Church examined the effect of typical activities and operations of a church with 65 members. It is well established that the use of a church is not a daily constant. There are days when there is a higher level of use but it is far more common for churches to have days with limited or no activities.

A two-year expiration for a Use Permit and all the costs assorted with it are not anything new. It says directly in the code that if a use permit does not have an expiration date, it will expire in two years. County Council stated at the planning commission meeting that it's not burdensome for churches to have to pay for fees and reports just like the rest of us. Any planned improvements are a moot point. Planning didn't prescribe their improvements. The church did! Also, while the current fees were something like 16k, the fee to renew the use permit will be much less, including the fact that reports will not be required. The key fact here is to have a real assessment of the impacts of the church and its intended activities after it starts operation.

THERE WAS A LACK OF A FAIR AND IMPARTIAL HEARING

Given the confusion and misinformation over key issues the Church did not receive a fair hearing based on the facts of the application.

This is hard to accept. The church had one of the local land use experts representing their interests. The hearing was certainly fair and impartial. The opposition might argue the church received special treatment.

THE TWO YEAR EXPIRATION IS CONTRARY TO LAW

The Religious Land Use and Institutionalized Persons Act of 2000 states "...no government shall impose or implement a land use regulation in a manner that imposes a substantial burden [on religious assembly] ...unless the government demonstrates [the regulation] is in furtherance of compelling government interest and is the least restrictive means of furthering that compelling governmental interest." The Planning Commission's decision fails on several points: **This is irrelevant to the situation at hand. The compelling interest is to protect Cachagua as defended by the residents and neighbors to this property. The objection is to all forms of commercial activity that is excessive. RLUIPA is really not applicable. There is no bias against the Church. The objection is to the establishment of a commercial PQP activity in the residential neighborhood. If limits are necessary, they would be placed on any secular or other commercial activity as well.**

- There is nothing in the Planning Commission's findings that explains why a two year expiration is necessary or how the Church might otherwise interfere with a "compelling governmental interest." To the contrary, the land use issues with which the County generally concerns itself (water, waste water, traffic, biological resources) have all been examined and it has been found that the Church would not have a significant effect on the environment. **There is so much uncertainty about the real outcomes of this permit that a two-year permit makes perfect sense. The compelling interest is that of the neighbors.**
- There is nothing in Planning Commission's findings that explains how a two year expiration is the "least restrictive means" to meet a compelling government interest. Nor is there anything in the record to explain why the process already established in Section 21.74.040 A of the Monterey County Code is not sufficient in this case. **Again, the limit on time is in the interests of the neighbors and greater Cachagua community.**
- The two year expiration, particularly in light of the significant costs to establish the Church, and then the costs to apply for a new use permit is a substantial burden. The Church has spent nearly three years and \$50,000 in pursuit of this permit. They will be required to spend \$75,000 on the water system and other improvements to establish the Church and plan to spend \$300,000 to \$400,000 for other improvements. To require this Church to invest upwards of \$500,000 (not counting the land cost of \$760,000) based on a permit that will expire in two years is a substantial burden. **These issues should have been considered prior to purchasing the property. No one spoke with the neighbors. The costs to make the property habitable will be necessary no matter what the use. The improvements are at the discretion of the church. The community would likely support the church continuing as a Cachagua bible study as it has done for the last three years. It is absolutely essential that there be a way to stop all activity if the property becomes a hub for non-religious, income producing events. It will be up to the neighbors to report these activities if they occur.**

SUMMARY

The Church respectfully requests that the Board of Supervisors grant their appeal for the reasons stated, delete Condition 10 in its entirety and amend Condition 30 in part to read" ...the maximum capacity shall not exceed a weekly average of 65 persons *per day*..."

The community respectfully requests that this appeal be denied. Conditions 10 and 30 are absolutely essential if this permit is going to be approved at any level. At one point in the process there were limits on all of the activities planned for the Church. For example, major events were limited to 3 per year. Now there is no limit. It is also critical that all activities be religious in nature and a normal part of the Church's "religious exercise." RLUIPA does not apply to non-religious activities which can be prohibited by the appropriate authority. It would make sense to amend Condition #30 to add:

Based on RLUIPA, the conditions/mitigating monitoring measures referenced herein are constrained to religious activities or religious uses only. No "substantial burden" violation exists when the Church is denied the ability to operate in a commercial or non-religious manner.

Condition 10

Responsible Department: RMA-Planning

This permit shall expire 2 years after commencement of use. Completion by Owner/Applicant of the compliance actions for Condition Nos. 14 (New Water System Permit) and 15 (Fluoride Treatment), and verification by RMA of compliance with those conditions shall constitute "commencement of use" for the purpose of this condition.

Condition/Mitigation Monitoring Measure:

Prior to the expiration date, the Owner/Applicant shall apply for a Use Permit. During review of the Use Permit application, the County shall re-evaluate potential impacts of the use on the surrounding neighborhood to assure that the nature of the area has not changed sufficiently to cause the use to be detrimental to the area, and to review the conditions of the prior Use Permit to determine their continuing adequacy.

(RMA-Planning)

Compliance or Monitoring Action to be Performed

At least 30 days prior to the expiration date, the Owner/Applicant shall submit an Use Permit application to continue the use to the satisfaction of the RMA Chief of Planning.

Condition 30

Responsible Department: RMA-Planning

The types of activities allowed by this Use Permit shall be consistent with those activities listed on page 3 of the environmental document prepared by the County for the proposed use (Initial Study/Negative Declaration; SCH No. 2016091045), and as described in the Initial Study and Planning Commission Resolution No. 17 - 030 for RMA-Planning File No. PLN140863.

Condition/Mitigation Monitoring Measure:

The scope or level of use for any consistent activity shall be limited based on site constraints identified in the Initial Study, such as on-site wastewater treatment capacity and area available for parking. Based on site constraints, the maximum capacity shall not exceed 65 persons.

The types of activities may include, but are not limited to:

- Church services (indoor, or outdoor when weather permits)
- Bible studies and prayer meetings
- Counseling services
- Children/youth support activities
- Including separate church services, classrooms, nursery, etc.
- Day camps and overnight camping
- Maximum of two overnight camping events per year; up to 3 nights per event
- Community service activities
- Disaster response activities -- Including temporary staging, storage, and/or shelter, etc.

- Trade-skills training
- Congregation-related major events
- Including weddings and memorial services
(RMA-Planning)

Compliance or Monitoring Action to be Performed:

On an on-going basis, the Owner/Applicant shall adhere to the scope of allowed intensity of use.

17826 Cachagua Rd

4 October 2017

Dear Supervisors,

I would like to express my strong objection to the permit request/appeal for PLN #140863 to establish a church at 19345 Cachagua Rd. I have sent previous letters to the planning commission. I have also sent petitions that were signed by members of the Cachagua community but am sending this email as yet another statement of my continuing opposition to this change of the status of one of our precious RC parcels. I am unsure if you will see the earlier petitions but the county planners have them as part of their historical record of this most contentious issue.

1. We frequently have road closures on either of the only two access routes available and there is already a traffic issue with large delivery vehicles becoming more regular and an incredible increase in non-local bicyclists. Having a major quasi-public event center located in the middle of this bottle-necked community just doesn't make sense from not only a quality of life issue but also a safety issue.
2. The negative environmental effect to this fragile stretch of the Carmel River Watershed is significant despite the purchased BIO report. The amount of water used will be significantly more than a single family. I ask anyone to show me otherwise. The location has no access to sewage or wastewater treatment that this big event center would require to be ethically responsible to those who get their drinking water from wells literally yards away from the proposed septic installation. How would you feel about soaps, cleaning agents, food waste, human waste, all on an industrial scale, being pumped into a leach field a stone's throw from your precious water source?
3. How can we trust the applicant to be honest in the future when the applicant has lied since the beginning of the process? They have lied to the local community about their intentions. They lied about not advertising outside of the Cachagua area. They lied about their plans only including one small Sunday service and a Wednesday Bible Study. They lied about the number of people they plan on serving. They have been using trickery to get this far. We cannot trust the applicant.
4. After over two-years of process, petition signatures, letters, emails, hearings, continuances, a reached agreement was achieved: Two-year probation period and a maximum of 65 people at events.... AND THE APPLICANT STILL WANTS MORE. They are appealing this compromise which shows their true intentions to create a financially profitable event center only open to their chosen guests. This is just not fair to the rest of the community.

Respectfully,

Dane Bonsper

Sidor, Joe (Joseph) x5262

From: Don Bonsper <dbonsper@outlook.com>
Sent: Monday, October 9, 2017 5:36 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333;
100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Sidor, Joe (Joseph) x5262; Daniels, Katharine V.
Subject: PLN140863 - FIRST BAPTIST CHURCH at 19345 Cachagua Rd

Dear Supervisors,

The following information is offered as additional background for the hearing on 17 October and for possible reasons why this appeal should be denied and the permit modified to include the restrictions and limitations that had been present in February of this year. It might be best to send it back to the planning commission. It might even make sense to recognize the difficulties this use permit has encountered from the community and deny it completely. So much effort is being spent on trying to establish a commercial activity within the rural, residential community of Cachagua. Why? This is the question that is so hard to answer. And if this activity is established, what might be the next step in terms of development? At the same time, the community is content with allowing the small church group to continue as they have for the last three years.

Background info and some thoughts:

B. The hearing before the Appeal Authority shall be "de novo" (starting from the beginning; anew). ***As a de novo hearing, the Appeal Authority may hear all such testimony and evidence on the entirety of the application as may be presented by any person at that appeal hearing. If relevant **new evidence that was not known** and could not have been known at the original hearing **is presented** at the appeal hearing **the application may be returned to the **Appropriate Authority** for reconsideration.*****

Possible reasons this application should be sent back to the Planning Commission are:

1) To answer **Request for Interpretation** letters #1 & #2 by Cachagua residents Greg and Mary Martin (to define the conditions allowed in the Use Permit).

- 2) The requirement for an **arborist report** (because the proposed stair foundation is against a protected tree).
- 3) The conditions should be changed to reflect the fact that only **20 people (maximum occupancy on-site) are allowed for the camp or school entitlement** per Health code requirements - *quantities of sewage flow*.
- 4) The septic was designed **without the Church addition shown on the plans** (*false material information*). The proposed addition pushes the drainfields closer to the creek and possibly within 100' of the *high water mark*.
- 5) A **licensed survey to determine the high water mark** for the creek. Drainfields can't be located within 100' of this *high water mark*.
- 6) A **nitrate/contaminate study is required** because the proposed commercial (intensified use) septic is *located greater than one hundred (100) feet but less than one hundred fifty (150) feet* of the creek (a potable waterway with many private wells located down stream that draw water from this source).
- 7) **Septic variance approval** (signed by the Director of Health - appealable to the Central Coast Regional Water Quality Control Board) should be on file allowing the minimum vertical distance of 5' from the bottom of the leachfield to groundwater (as stated in percolation report).
- 8) A **grease trap is required** because of the commercial kitchen use. The septic system should be re-designed to accommodate the required grease trap.

9) Subject to review, a condition may be considered if **more than 60 persons are on site per day** (maximum persons per septic design), **1 chemical toilet per 40 persons** may be used, but **no more than 10 days per year** per Health code requirements - *public assemblages*.

10) The Health Department conditions to include a surveillance and operation plan because of the *limitations of the land* and because of the *possibility to create a public health hazard*.

11) The Board of Supervisors should not be the *Appropriate Authority* to allow for a 65 person weekly average. Monterey County Health Code specifically states *Gallons/Person/Day*. A septic variance approval (signed by the Director of Health) should be required for any sewage flow other than what is allowed by the *Sewage Disposal* code. The *Appropriate Authority* to make a decision on the septic variance approval is the Central Coast Regional Water Quality Control Board (not the Board of Supervisors) based on the laws of the *Regional Water Quality Control Plan*.

In summary, the entire process surrounding PLN 140863 has been one of deception, confusion, and misinformation. It is time for the Cachagua community to receive clarity on this divisive issue.

Don

Don Bonsper
Cachagua, CA

Sidor, Joe (Joseph) x5262

From: Gay Heller <Gayheller@razzolink.com>
Sent: Monday, October 9, 2017 10:20 AM
To: Sidor, Joe (Joseph) x5262
Subject: 19345 Cachagua Road

Dear Mr. Sidor, I am writing regarding the use of the house on 19345 Cachagua Road as a church. (PLN140863)
The conditions that our local LUAC voted on are significantly different than what is now being presented for a vote. Because of these significant differences- I ask the board to refrain from any vote until the LUAC can review the new requests regarding land use. I also ask the planner and board to look at these differences- especially the No Limit clause.

Some of the neighbors, including myself, feel "hoodwinked." The small church is now asking for No Limit on most events and have big plans for retreats, school, camping and new building projects. Our roads are too fragile to handle this kind of traffic. The roads in our area are not wide enough to even allow for striping. Water and parking must also be addressed. Does the property have a commercial, or even an adequate well? How will large groups be accommodated in regard to parking? Parking is in a flood zone and Cachagua road is in no way suitable for street parking.

Where is the EIR?

On a personal note I saw the minister's posting on Facebook. The minister took down the post- after negative comments- but I was so appalled, I saved it. This person presents himself one way to the community- his post proves otherwise. Non-inclusive and **very divisive** for our community.

Sincerely,
Gay Heller

39127 Tassajara Road
Carmel Valley, Ca 93924



Orville Myers shared a link.

2 hrs · 🌐



Hannity Releases Footage Of Obama PRAISING Islam – WHITE HOUSE PANICK... conservativefighters.com

Like Comment Share

👎👎 4

~~_____~~ Lot, this is so old. This video has been on YouTube for years. It's a compendium of sources mixed together out of context. Didn't know you were anti-Obama to the

Write a comment... Post

Sidor, Joe (Joseph) x5262

From: Kelly OBrien <kellyeo@mac.com>
Sent: Friday, October 13, 2017 12:18 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Sidor, Joe (Joseph) x5262; dbonsper@outlook.com; gme1@att.net; dgcon@roadrunner.com; Holm, Carl P. x5103; Alfred & Kathy Herbermann; Diane Miller; Martha Watson
Subject: re: proposed expansion of the Sanctuary Baptist Church, PLN140863

Honorable Supervisors,

I am writing to you regarding the proposed expansion of the Sanctuary Baptist Church, 19345 Cachagua Road, Carmel Valley, Cachagua Area Plan, PLN140863.

In 2015, the LUAC for our area (Cachagua) assessed the project and deemed it worthy of support, AS PROPOSED, to wit (emphasis mine):

"Use Permit to establish a church within an existing single family dwelling within the Resource Conservation zoning district. The establishment will require an 744 square foot addition to the main level of the structure and the addition of a 830 square foot basement to be used as a youth room. The property is located at 19345 Cachagua Road, Carmel Valley (Assessor's Parcel Number 418-441-006-000), Cachagua Area Plan."

"Applicant presented plans for moving the First Baptist Church (currently referred to as Bible Studies Program) to 19345 Cachagua Road, Carmel Valley. Started 8 years ago at the General Store. Applicant discussed plans to **slightly** enlarge existing building.

"Applicant discussed proposed hours of operation and current attendance (**approximately 17 people**)."

"Applicant would like to increase attendance. This is a community church and **expects participants to be from the local community.**"

As I understand it, the Applicant has retained legal counsel. The Applicant's counsel as offered revisions to the Conditional Use Permit (CUP). The revisions to Condition No. 30 suggest attendance far in excess of the original "65 persons" on site for weekly activities (a figure which may be reasonably assumed to be "participants from the local community").

Now, the Applicant is asking for a distinction to be made between "standard" activities and "major" activities. Major activities are events,

"involving up to, but not exceeding, 125 persons on-site... at any given time" and "are allowed provided that such major activities shall be limited to not more than two days per month, with at least six days between major activities."

I submit that the revision to Condition 30 that the Applicant suggests is a stark increase in proposed activity that is 1) inconsistent with the LUAC's original evaluation of the project; and, 2) an expansion of the project without benefit of local involvement.

I also submit that the Applicant's claim that, "...additional wastewater flow could be absorbed by the on-site wastewater system on a periodic basis" is specious and speculative. There appears to be no evidence supporting this claim and if accepted at face value, the major activities (listed below) may have an undesirable environmental impact on local wells and the water table.

"The types of standard and major activities may include, but are not limited to:

- Church services (indoor, or outdoor when weather permits)
- Bible studies and prayer meetings
- Counseling services
- Children/youth support activities
- Including separate church services, classrooms, nursery, etc.
- Day camps and overnight camping
- Maximum of two overnight camping events per year; up to 3 nights per event - Community service activities
- Disaster response activities
- Including temporary staging, storage, and/or shelter, etc.
- Trade-skills training
- Congregation-related major events
- Including weddings and memorial services"

I think that reasonable people will agree that the proposed changes to the CUP may have a much greater impact on Cachagua residents than LUAC members may have assumed the impact would be when they supported the project in 2015.

According to nearby Cachagua residents, the Church has been a quiet and respectful neighbor, to date. Thus, the Church has been conducting itself in the manner assumed by the LUAC and by members of the public who offered their comments (included in the LUAC's Minutes from Wednesday, October 28, 2015).

In my opinion, the Applicant's proposed changes to the CUP represent a dramatic expansion of the use of the property, aimed at attracting a population beyond the Cachagua area. Additionally the proposed revisions, if accepted and approved by the Board of Supervisors, will be done without benefit of, and in fact, in spite of, local concerns about possible degradation of the quality of life in the Cachagua area.

I urge you to bring the discussion of these revisions to the light of day, and continue consideration of a resolution to approve the CUP revisions proposed by Sanctuary Baptist Church, until such time as the Cachagua community can have its input considered. Because the Applicant's request for expansion is far beyond the conditions stated in the original CUP, I believe that further local scrutiny is warranted.

With respect and thanks,

Kelly O'Brien
38670 Tassajara Road
Carmel Valley CA 93924
(831) 659-2320

Sidor, Joe (Joseph) x5262

From: Sarah Haussermann <chomeuse@yahoo.com>
Sent: Monday, October 16, 2017 1:32 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333;
100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Sidor, Joe (Joseph) x5262
Subject: PLN140863
Attachments: Condition-Feb.pdf

To the Esteemed Members of the Monterey County Board of Supervisors,

I am a 20-year resident of Cachagua and a 4-year member of the Cachagua LUAC. I am writing as a private citizen, not as a representative of the LUAC.

The latest conditions of this use permit (PLN140863, First Baptist Church, 19345 Cachagua Rd.) allow uses that are significantly greater in scope and different in character from what was presented -- and what I voted for -- at this project's October 28, 2015, LUAC meeting.

I would not have voted for the current conditions, because they are no longer in line with the applicant's stated mission of helping and serving our local Cachagua community. What most troubles me: I cannot see how hosting up to 365 days a year of weddings and other events, possibly with alcohol, helps or serves us.

For this reason, I urge you to continue this matter so that conditions can be re-drafted to align with the conditions highlighted in the attached document, which are very much like what the applicant presented in 2015's LUAC meeting.

Thank you for your service to our community,

Sarah Haussermann
21700 Parrot Ranch Rd
Carmel Valley, CA 93924

Permit Number PLN140863:
Discretionary
Current Permit Status: Continued

Received from Applicant by
D. Gardner, Feb 15, 2017

Record Info ▾

Payments ▾

Conditions 12

A notice was added to this record on 01/30/2017.
Condition: WR031 - FLOODPLAIN NOTICE Severity: Notice
Total Conditions: 12 (Notice 12)

Conditions

Showing 11-15 of 28

Default - 23 Not Met, 5 On-Going

Environmental Services

INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. This inspection requirement shall be noted on the Erosion Control Plan. (RMA - Environmental Services)

Planning

PDSP002 - NO EXTERIOR AMPLIFIED SOUND

The Owner/Applicant shall not allow amplified music or other forms of amplified sound on the exterior or grounds of the proposed church building (RMA-Planning)

PDSP003 - ALLOWED INTENSITY OF USE (NON-STANDARD)

The scope and level of intensity of permitted activities shall be limited based on property constraints and the associated environmental review prepared by the County. The projected scope of activities and associated level of intensity includes the following. - Church services (indoor, outdoor weather permitting), 1 service per week, up to 65 attendees. - Weekly bible studies and prayer meetings, up to 30 attendees. - Counseling services, 1 - 2 people per session, 2 - 3/week. - Congregation related major events (no alcohol) (e.g., weddings & memorials), 3/year, up to 65 attendees per event. - Children & youth support activities, 1/week, up to 30 attendees. - Day camp, 1 annually, 1 week duration, up to 60 children and staff. - Retreats, including possible overnight camping, 2/year, up to 30 attendees, 2 - 3 nights (long weekend). - Community service activities, such as use of the property as a community staging area, temporary disaster storage area, community gathering point, and ad hoc community workshops

PD007- GRADING WINTER RESTRICTION

No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Chief of RMA - Building Services. (RMA-Planning and RMA-Building Services)

PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Pursuant to Monterey County Code Chapter 21.63, Design Guidelines for Exterior Lighting, all exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The lighting shall also comply with the requirements of the California Energy Code set forth in California Code of Regulations

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
CODY J. PHILLIPS
MARIAN C. DOWNS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

October 16, 2017

5006.000

Mary Adams, Chair
Members of the Board of Supervisors
County of Monterey
168 W. Alisal
Salinas, CA 93901

RE: First Baptist Church/PLN140863

Dear Chair Adams and Members of the Board of Supervisors:

We are writing you regarding the appeal of the First Baptist Church permit you will be hearing at 1:30 p.m. tomorrow. We are sending you this letter because of some last-minute allegations that have been made against the Church and questions that have arisen regarding the Church's application.

The Church's Application has never changed

Your staff can confirm that from the time of submission of the application request form to the Development Review Committee (a copy of which is attached) until today, the Church's application has never changed. The Church's facilities are being constructed to seat 65 attendees for the activities described in Condition 30. It is conceivable that at some of these activities such as funerals and wedding that more than 65 people might attend. That is not a change in the application.

The Conditions of Approval do not allow outdoor amplified music and the Church's rules do not allow the consumption of alcohol or tobacco on the site. Even if the allowed uses were not limited by Condition 30 this property could not be used for concerts, wine tasting, auto shows or other uses which could be a nuisance to the neighbors.

Appeal of Condition 30

The Church has appealed the language of Condition 30 to the Board because as approved by the Planning Commission, the condition placed unprecedented restrictions on the Church's permit limiting attendance to 65 persons (even though the parking, water and septic system are capable of handling more than 65 persons). There is no evidence in the record that would support a finding that Church activities such as funerals or weddings that might exceed 65 persons would create any type of public health or safety issues.

The appeal simply requests that the Church be allowed to function as any other church functions, it does not wish to become a site for commercial venues or a nuisance to its neighbors.

The Church would simply request that the Board recognize that if one of the allowed activities listed in the Condition were to exceed 65 attendees, the Church would not be in violation of its permit. This could easily be done by adding the word “normally” to the staff proposed language for Condition 30 (attached).

Condition 10 is unlawful and unprecedented

The Church has also appealed Condition 10 which places a 2-year expiration date on the use permit.

County staff could not find any church use permit which has ever included an expiration date. The only use permits which have expiration dates are those which the zoning ordinance requires an expiration date (e.g., cottage industry).

It costs over \$16,000 just to apply for this use permit (excluding consultant costs). The church building improvements (including County mandated water system improvements) are estimated to cost between \$400,000 and \$500,000. No one would expend this amount of money and in 2 years have their use permit expire, nor has the County ever placed such a requirement on any permit.

The staff recommendation is rather than have the permit expire in 2 years, the County hold a hearing in 3 years to determine if the Church as complied with its permit and to determine the “continuing adequacy” of the Conditions of Approval. Such a condition is unnecessary.

The County has a process under its zoning ordinance to deal with uses which are not in compliance with the terms of their use permits (§21.74.060A). There is no need for nor is there any precedent for a permit condition requiring an application to prove their innocence in front of the Planning Commission after a use commences.

Inconsistency with staff recommendation and the Religious Land Use
and Institutionalized Persons Act of 2000

The Act states “...no government shall impose or implement a land use regulation in a manner that imposes a substantial burden [on religious assembly] ...unless the government demonstrates [the regulation] is in furtherance of compelling government interest and is the least restrictive means of furthering that compelling governmental interest.” The staff recommendation on Conditions 10 and 30 fail to meet the requirements of the law on several points:

- There is nothing in the staff recommendation that explains how Condition 10’s requirement to be subjected to a public hearing after 3 years is the “least restrictive means” to meet a compelling government interest. Nor is there anything in the record to

explain why the process already established in Section 21.74.040 A of the Monterey County Code, which allows the permit to be brought back to the Planning Commission at any time if conditions are not met, is not sufficient.

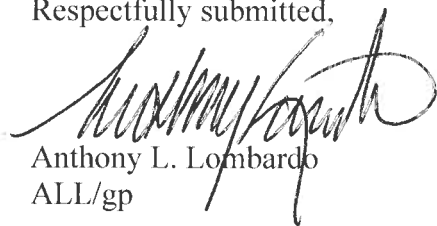
- Condition 10 places a substantial burden on the Church, particularly in light of the significant costs to establish the Church, with no certainty the Church would allowed to continue operations even if it fully met its Conditions of Approval. The Church has spent nearly three years and \$50,000 in pursuit of this permit. They will be required to spend \$75,000 on the water system and improvements to establish the Church and plan to spend \$300,000 to \$400,000 for other improvements to the Church building. To require this Church to invest upwards of \$500,000 (not counting the land cost of \$760,000) based on a permit that has a 2 year expiration date is a substantial burden and is disparate treatment from every Church approved by the County.

Conclusion

The Church respectfully requests that the Board of Supervisors grant their appeal for the reasons stated, delete Condition 10 in its entirety and amend the last sentence of the second paragraph of staff's recommended Condition 30 to read "The maximum capacity for standard weekly activities shall not normally exceed 65 persons at any given time."

The goal of the Church is to make a positive contribution to the Cachagua community not to harm it and the applicant respectfully request the Board grant its appeal so that it may do so.

Respectfully submitted,



Anthony L. Lombardo
ALL/gp

Enclosures



**MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
DEVELOPMENT REVIEW COMMITTEE
REQUEST FORM**

RMA - PLANNING
MIKE NOVO, DIRECTOR
168 W. Alisal St. 2nd Fl.
Salinas, CA 93901
(831) 755-5025
www.co.monterey.ca.us/rma

Upon submittal of all required information (including fee), the Development Review Committee (DRC) will schedule a meeting to review the project with the applicant. The fee will be credited to your development application if application is submitted within twelve (12) months. Packages that do not include all required information (including fees) will not be accepted.

PROJECT INFORMATION		PERMIT NO. <u>PLN1408103</u>	
SITE ADDRESS <u>19345 CACHAGUA RD.</u>		CITY/STATE <u>CARMEL VALLEY CA</u>	ZIP <u>93924</u>
NEAREST CROSS-STREET <u>Parrot Ranch Rd.</u>		ASSESSOR'S PARCEL NUMBER(S) <u>418 - 441 - 006</u>	

OWNER(S) INFORMATION	
NAME <u>FIRST BAPTIST CHURCH DBA Sanctuary Bible Church</u>	PHONE <u>(831) 624 - 5551</u>
MAILING ADDRESS <u>8340 Carmel Valley Rd.</u>	CITY/STATE ZIP <u>Carmel, CA 93923</u>
FAX <u>(831) 624 - 5899</u>	E-MAIL <u>patty@sbcv.com - office admin.</u>

APPLICANT INFORMATION	
NAME <u>JOSHUA STEWMAN - Homelife Design Studio</u>	PHONE <u>(831) 920 - 8814</u>
MAILING ADDRESS <u>1042 Egan Ave.</u>	CITY/STATE ZIP <u>Pacific Grove, CA 93950</u>
FAX <u>—</u>	E-MAIL <u>joshua@homelifedesignstudio.com</u>

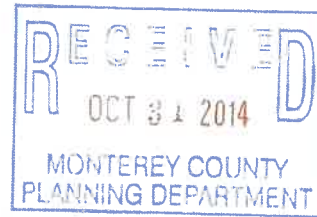
PROJECT DESCRIPTION
<u>This is a use permit application for a young church located in the Cachagua area of Carmel Valley. They have recently purchased a 10 acre parcel with a single-family residence, several out buildings, and a detached accessory unit located on the property. They are currently meeting at the residence as a home bible study, meeting midweek as a small group and on Sundays for worship. They have put together a summary outlining their short term and long term goals and uses for the property (PLEASE SEE ATTACHED SUMMARY). Currently their group consists of 15-20 people with long-term congregation size to be</u>

Owner/Applicant Signature: Joshua Steyman Date: 10/29/2014 50-90 people.
PLN1408103

FOR DEPARTMENT USE ONLY		
RECEIVED BY: <u>M. Lopez</u>	DATE STAMP: RECEIVED <u>OCT 31 2014</u> MONTEREY COUNTY PLANNING DEPARTMENT	DRC CIRCULATION COMPLETED BY: <u>M Friedrich</u>
PLANNER ASSIGNED: <u>Azhiley Nakamura</u>		DATE SENT TO AGENCIES: <u>11/6/14</u>

CACHAGUA BIBLE CHURCH

19345 Cachagua Rd.
Carmel Valley, CA 93924



The History: For over seven years, our membership has been an active part of the Upper Carmel Valley community. Initially our Bible Studies took place weekly in the Community Park which we rented from the Cachagua Community Park Board, and in inclement weather in the Rock House or at the General Store.

The mission of our organization beyond Bible teaching has been to provide support for the community, and this has been accomplished through many diverse activities. These include summer day camp for children, a food pantry (provided by Sanctuary Bible Church in Carmel Valley), free music lessons for children, support for a family burned out of their trailer, officiating at weddings and regular visits to hospital patients and even to the local jail. Our congregation has grown from a handful of people twice a month to 20-30 weekly now.

Short Range Uses Planned: Now that we have purchased the subject property, and beautiful parcel of ten acres, with a five-bedroom Main House of about 1,900 square feet, a Guesthouse of about 400 square feet and a three-bedroom Caretaker's Cottage that is about 1,450 square feet. This property is ideally suited to continuing the above mission, and providing for a greater influence upon our community.

The Main House: Specifically, the Main House as it is can serve as home to Sunday church services for approximately 30-50 people, weekly Bible Studies and prayer meetings for men and women, and an office where the pastor will be enabled to meet with individuals for counseling. Because we grew so fond of meeting outdoors, when weather permits, we normally meet for Sunday Church service on the stone patio, a space that can easily accommodate our size congregation. Our style of service includes congregational singing accompanied by acoustic guitars and occasionally a keyboard. Because we are acutely aware of our surrounding neighbors and because it suits our style, we do not plan to change this quiet style of worship. During group meetings, Children's Church and other family-based activities keep the little ones included and learning. The bedrooms will become classrooms and a nursery to accommodate the children.

Caretaker's Cottage and Guest House: The church has made the decision to not rent the Caretaker's Cottage, but rather allow its use for visiting pastors and missionaries on sabbatical along with their spouses and family members. It is a quiet, restful place that can provide a respite from their challenging endeavors. The Guest House will provide a pastoral home, as he will be overseeing the property and residing there permanently.

Open Space: Summers provide many days when children in the Upper Valley have nothing to do. We plan to include day camps, hiking and exploration trips, and

community service activities to help keep our kids active and engaged. Overnight camping outings can take place right in the field. The beautiful, flat Open Space not only provides for a large parking area, but additionally allows for field games such as soccer and tag football, bocce ball, horseshoes and more. Room for a vegetable garden can allow families to learn how to grow their own food. This usable field space is estimated to be approximately two acres.

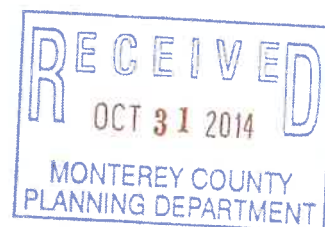
It is our understanding that there has never been a full-time church present in the Upper Carmel Valley. Clearly there are widespread needs in this community which a church is uniquely qualified to address. Our volunteer base is committed to providing services that have never before been offered by people who are integrated into the community. These services include dovetailing with the Cachagua Fire Protection District and the Red Cross. With the facilities we have, it is possible to provide an area for storage, helicopter access, triage, and other support services in the event of both small and larger scale disasters.

The Long Range Vision: As the church grows (to perhaps a membership of 80-90 people), additional covered space will be required. We are proposing an addition to the Meeting Room (now the living room), the kitchen area and dining room to support up to 90 people for the weekly church service. Although we will continue to meet outside when possible, the weather will not always permit that. Having one large room can meet this and many other needs – even short-term shelter for disaster victims.

A daylight basement addition is planned under the enlarged Meeting Room and kitchen as well, allowing an area for teens' indoor activities – for a pool table, space for movie nights, and other safe activities for the older kids. It also will include a third bathroom and additional storage space.

As the congregation grows, so will the volunteer base; and from this base, we envision a potential to provide additional services to the community. The Hay Barn can be used as a shop and training location where young people can learn useful trade skills. The expanded kitchen can be used to teach nutritional and cost-effective meal planning and cooking. Classrooms can be used to teach other home skills such as sewing and quilting. A mentoring program can be developed that can draw from the knowledge of an older generation to serve the upcoming new one.

As the community in Upper Carmel Valley changes, our desire is to adapt and provide the kind of moral and family support that is so desperately needed in this unique rural atmosphere. Providing a safe, well-maintained property with the many attributes this offers will allow that vision to become a reality.



SITE PHOTOS

CACHAGUA BIBLE CHURCH
19345 CACHAGUA RD.
CARMEL VALLEY, CA 93924
APN: 418 - 441 - 006
PLN140803



1.) FRONT OF HOUSE

RECEIVED
OCT 31 2014
MONTEREY COUNTY
PLANNING DEPARTMENT

PLN140863



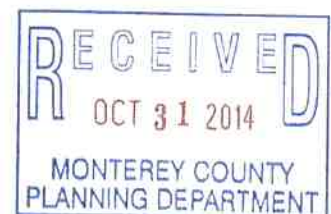
2.) SIDE OF HOUSE

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MONTEREY COUNTY
PLANNING DEPARTMENT

PLN140863



3.) SIDE DECK & BACK PATIO



PLN140863



4.) SIDE OF HOUSE

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5.) SHEDS & PARKING AREA

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PLN140503



6.) COVERED WORK AREA

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Condition No. 30

(As revised by staff pursuant to additional analysis provided by EHB - changes to the condition approved by the Planning Commission are shown in strikethrough and underline.)

The types of activities allowed by this Use Permit shall be consistent with those activities listed on page 3 of the Initial Study ~~environmental document~~ prepared by the County for the proposed use (Initial Study/Negative Declaration; SCH No. 2016091045), and as described in the Initial Study ~~and Planning Commission Resolution No. 17-030 for~~ on file in RMA-Planning File No. PLN140863.

The scope or level of use for any ~~consistent-such~~ activity shall be limited based on site constraints identified in the Initial Study, such as on-site wastewater treatment capacity and area available for parking. Based on site constraints, the maximum capacity for standard weekly activities shall not exceed 65 persons on-site at any given time. (normally)

Notwithstanding the 65-person limit, due to the intermittent use of the facility, additional wastewater flow could be absorbed by the on-site wastewater system on a periodic basis. Therefore, activities involving up to, but not exceeding, 125 persons on-site ("major activities") at any given time are allowed provided that such major activities shall be limited to not more than two days per month, with at least six days between major activities.

The types of standard and major activities may include, but are not limited to:

- Church services (indoor, or outdoor when weather permits)
- Bible studies and prayer meetings
- Counseling services
- Children/youth support activities
- Including separate church services, classrooms, nursery, etc.
- Day camps and overnight camping
- Maximum of two overnight camping events per year; up to 3 nights per event
- Community service activities
- Disaster response activities
- Including temporary staging, storage, and/or shelter, etc.
- Trade-skills training
- Congregation-related major events
- Including weddings and memorial services

On an on-going basis, the Owner/Applicant shall adhere to the scope of allowed intensity of use.

Sidor, Joe (Joseph) x5262

From: Kelly OBrien <kellyeo@mac.com>
Sent: Tuesday, October 17, 2017 9:56 AM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Sidor, Joe (Joseph) x5262; Don Bonsper; Greg Martin; Doug Gardner; Holm, Carl P. x5103; Alfred & Kathy Herbermann; Diane Miller; Martha Watson
Subject: REVISED Request, re: proposed expansion of the Sanctuary Baptist Church
Attachments: PLN140863 10-17-17 K-Obrien to MCSupes v3.docx

Honorable Supervisors,

Upon further examination of the history of interaction between Sanctuary Baptist Church, the Cachagua community and Monterey County Planning Commission, I wish to change my request to you, expressed in my email of October 13 (below).

In the matter of the Appeal, PLN140863, before you from Anthony Lombardo, Esq. on behalf of Sanctuary Baptist Church, I respectfully request that you deny the Appeal, rather than continue it. I further request that the Resolution be continued.

I enclose the statement, which I intend to offer in person on October 17, 2017, at the scheduled meeting of the Board of Supervisors, Salinas Chambers. I hope that my statement makes it clear as to why my request to you is to deny, rather than continue, the Appeal and that you continue the Resolution.

Respectfully,

Kelly Erin O'Brien
38670 Tassajara Road
Carmel Valley CA 93924

Honorable Supervisors,

I am writing to you regarding the proposed expansion of the Sanctuary Baptist Church, 19345 Cachagua Road, Carmel Valley, Cachagua Area Plan, PLN140863.

In 2015, the LUAC for our area (Cachagua) assessed the project and deemed it worthy of support, AS PROPOSED, to wit (emphasis mine):

"Use Permit to establish a church within an existing single family dwelling within the Resource Conservation zoning district. The establishment will require an 744 square foot addition to the main level of the structure and the addition of a 830 square foot basement to be used as a youth room. The property is located at 19345 Cachagua Road, Carmel Valley (Assessor's Parcel Number 418-441-006-000), Cachagua Area Plan."

"Applicant presented plans for moving the First Baptist Church (currently referred to as Bible Studies Program) to 19345 Cachagua Road, Carmel Valley. Started 8 years ago at the General Store. Applicant discussed plans to **slightly** enlarge existing building.

"Applicant discussed proposed hours of operation and current attendance (**approximately 17 people**)."

"Applicant would like to increase attendance. This is a community church and **expects participants to be from the local community.**"

As I understand it, the Applicant has retained legal counsel. The Applicant's counsel as offered revisions to the Conditional Use Permit (CUP). The revisions to Condition No. 30 suggest attendance far in excess of the original "65 persons" on site for weekly activities (a figure which may be reasonably assumed to be "participants from the local community").

Now, the Applicant is asking for a distinction to be made between "standard" activities and "major" activities. Major activities are events,

"involving up to, but not exceeding, 125 persons on-site... at any given time" and "are allowed provided that such major activities shall be limited to not more than two days per month, with at least six days between major activities."

I submit that the revision to Condition 30 that the Applicant suggests is a stark increase in proposed activity that is 1) inconsistent with the LUAC's original evaluation of the project; and, 2) an expansion of the project without benefit of local involvement.

I also submit that the Applicant's claim that, "...additional wastewater flow could be absorbed by the on-site wastewater system on a periodic basis" is specious and speculative. There appears to be no evidence supporting this claim and if accepted at face value, the major activities (listed below) may have an undesirable environmental impact on local wells and the water table.

"The types of standard and major activities may include, but are not limited to:

- Church services (indoor, or outdoor when weather permits)
- Bible studies and prayer meetings
- Counseling services
- Children/youth support activities
- Including separate church services, classrooms, nursery, etc.
- Day camps and overnight camping
- Maximum of two overnight camping events per year; up to 3 nights per event - Community service activities
- Disaster response activities
- Including temporary staging, storage, and/or shelter, etc.
- Trade-skills training
- Congregation-related major events
- Including weddings and memorial services"

I think that reasonable people will agree that the proposed changes to the CUP may have a much greater impact on Cachagua residents than LUAC members may have assumed the impact would be when they supported the project in 2015.

According to nearby Cachagua residents, the Church has been a quiet and respectful neighbor, to date. Thus, the Church has been conducting itself in the manner assumed by the LUAC and by members of the public who offered their comments (included in the LUAC's Minutes from Wednesday, October 28, 2015).

In my opinion, the Applicant's proposed changes to the CUP represent a dramatic expansion of the use of the property, aimed at attracting a population beyond the Cachagua area. Additionally the proposed revisions, if accepted and approved by the Board of Supervisors, will be done without benefit of, and in fact, in spite of, local concerns about possible degradation of the quality of life in the Cachagua area.

I urge you to bring the discussion of these revisions to the light of day, and continue consideration of a resolution to approve the CUP revisions proposed by Sanctuary Baptist Church, until such time as the Cachagua community can have its input considered. Because the Applicant's request for expansion is far beyond the conditions stated in the original CUP, I believe that further local scrutiny is warranted.

With respect and thanks,

Kelly O'Brien
38670 Tassajara Road
Carmel Valley CA 93924
(831) 659-2320

Honorable Supervisors, my name is Kelly O'Brien. I'm a long-time resident of the Jamesburg-Cachagua Area.

The Resolution before you supports development – a former residence, now a center, for hosting “major” activities - in an area that *eschews* development. In the Cachagua Area Plan, the Vision Statement is clear: “All future development must be in harmony with the natural beauty, fragile ecology and delicate infrastructure of the Cachagua Planning Area.”

The Cachagua Land-Use Advisory Committee (LUAC) reviewed the original project and supported it, premised upon limited use of the former residential parcel. LUAC suggested built-in safeguards that limit the number and frequency of users coupled with periodic review of the Conditional Use Permit, so that the Cachagua Area Plan is respected. However, as the project progressed through agency review the Conditions were repeatedly weakened. The partnership and good will of interested Cachaguans is, therefore, under threat.

Now, at the eleventh hour, an Appeal has been filed that introduces potentially more risk-laden and unreviewable conditions, which, if adopted, entitles the Church to behave in a manner that could increase impact, rather than mitigating it.

The Initial Study and Negative Declaration (or, NegDec) was based on the draft conditions of February 15, 2017. The Conditions in the Appeal, if accepted, may invalidate the NegDec. Additionally, the Appellant claims that Planning Staff was confused and misinformed and contests Staff's data and interpretation. He alludes, thus, that there is no scientific consensus on the impacts.

Ladies and gentlemen of the Board, there is an approach to regulation known as the “Precautionary Principle”. It says that, where health or the environment may be threatened, in the absence of scientific *consensus*, the alternative that presents the least potential threat to human health and natural systems shall be taken. The Appellant offers no *consensual* scientific data that the terms of the Appeal would protect Cachagua's environment.

Therefore, I recommend that, as regulators, you apply the Precautionary Principle, respect the will of the residents, as expressed in Cachagua Area Plan, and the hard-won terms of the General Plan.

Deny the Appeal, and continue the Resolution until understanding and agreement is reached between interested parties.

Thank you for the opportunity to speak in defense of the spirit of Cachaguans.

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