

**Nickerson, Jacquelyn x5240**

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**From:** Don Bonsper <dbonsper@outlook.com>  
**Sent:** Tuesday, August 8, 2017 12:21 PM  
**To:** Martha Diehl; Hert, Luther; mduflock@gmail.com; Rochester, Don; ambrizana1@gmail.com; Vandevere, Keith; amydroberts@ymail.com; Getzelman, Paul C.; Padilla, Cosme; Mendez, Jose  
**Cc:** Don Bonsper; Sidor, Joe (Joseph) x5262; Swanson, Brandon xx5334; Nickerson, Jacquelyn x5240  
**Subject:** Final Day before 9 Aug Hearing

Dear Commissioners,

Tomorrow is likely to be the final hearing for use permit #140863. My son and I, along with other neighbors and residents, will attend to express our opposition to this effort to establish a tax exempt church at 19345 Cachagua Rd. I have attended all of the hearings and have followed the reasons for the continuances. The fact that it has taken more than 3 years from the date of purchase to get to this point should be telling. The opposition got a slow start because of the "shifty, deceptive" propaganda put out by the acting pastor of a small group of worshippers from Cachagua who were about to be overtaken in the greater plans and vision of the First Baptist Church of Mid Valley. The key issue at this point is to ask "Why does the FBC of Mid Valley need to build an evangelical church in Cachagua?" We do not want this aspect of an urban community added to our rural character. We are happy with our existing Cachagua Church and will support them in their efforts to find a suitable home for their services. We do not want a "big" city church imposing its demands on our precious, fragile environment. We are a unique part of the county and want to preserve this special aura of where we have chosen to live.

Please deny this use permit.

Respectfully,

Don

Don Bonsper  
Cachagua, CA

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	140863 #1
DATE RECEIVED	August 8, 2017
SUBMITTED BY VIA	public Email
DISTRIBUTION TO DATE	PL / 8/8/17
DATE OF HEARING	August 9, 2017

**Nickerson, Jacquelyn x5240**

**From:** Christine Williams <christinewms777@gmail.com>  
**Sent:** Monday, August 7, 2017 12:28 PM  
**To:** Nickerson, Jacquelyn x5240  
**Cc:** Onciano, Jacqueline x5193  
**Subject:** Cachagua Church....PLN140863

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	140863, #1
DATE RECEIVED:	August 7, 2017
SUBMITTED BY/VIA:	public, email
DISTRIBUTION TO/DATE:	PC, 8/8/17
DATE OF HEARING:	August 9, 2017

Hello Ms Nickerson,...would you please make sure that the Planning Commissioners receive this communication? Thank you so much.

Dear Planning Commissioners,

Thank you so much for the recent vote to overturn the administrative interpretation on the Hilltop Ranch issue.

I'd like to comment on the upcoming hearing about the Cachagua Church, PLN140863.

In the Hilltop Ranch case, where the applicant was a bit out of control on compliance and truly had proven themselves disrespectful of the community nearby, we have an opposite issue here. The nearby neighbor has created havoc with this permit (4 years worth), and the small band of church people have proven themselves caring and respectful and helpful out in Cachagua.

I am involved at the Carmel Valley church that began, in 2008, attempting to form a local church in Cachagua. It is our hope that the presence of a church there will provide opportunity for Christians to have a place nearby to worship, pray and have bible studies; to provide opportunities to help the people who need some help out in that area; to provide fun and biblical teaching to children whose parents want that for them; to generally be a source of spiritual and practical help in that region.

Mr. Bonsar and a few others seem to think the church will "need" to bring in outside groups to survive economically or make money...for retreats, and camps, etc. which will increase traffic and noise and bother the neighbors. That is just not the case. The kind of church we are, focused on following Jesus, doesn't try to make money by having events. Churches in general are not commercial money-making corporations! This one in particular. We rely on the giving of our members. (Overnight campout experiences for older kids or teens, can occur, according to the permit, but with severe limitations. It should not be an issue if they occur.)

Being a past president of Carmel Valley Association, I know how to oppose legitimate issues of a badly designed permit seeker. It appears in this case, that determined and persistent opposition has slowed down this permit effort for years, at a cost of tens of thousands of dollars.

One other point I'd like to make is from the staff report:

*"The County received public comment expressing opposition to a proposed church at this location. Federal law, under the Religious Land Use and Institutionalized Persons Act (RLUIPA), prohibits local jurisdictions from imposing burdensome zoning law restrictions on churches and other religious institutions, absent the least restrictive means of furthering a compelling governmental interest. This has been interpreted by courts to be very permissive of churches locating most anywhere, unless there are impacts that cannot be reasonably addressed. If the Commission were to want to consider a denial of the proposed Use Permit, staff would request direction for preparing written findings based upon substantial evidence in the record."*

I am hoping that the planning commissioners understand that churches are located in residential areas by tradition and for obvious reasons, that the Federal government takes a strong stand on such, that this group in particular is a respectful, law-abiding group who seeks to enhance the neighborhood and region, not harm it.

I sincerely ask that you will reward the quiet compliances of the church in this process, do the right thing, and approve the permit at long last.

Thank you for your consideration.

Christine

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Christine Williams



# Carmel Valley Design

P.O. Box 1 Carmel Valley, CA 93924 Ph: (831) 659-4204

Marjorie Ingram Viales

Email: [marj@carmelvalleydesign.com](mailto:marj@carmelvalleydesign.com)

Date: August 9, 2017

To: Monterey County Planning Commission

Re: PLN 140863 First Baptist Church

Dear Commisioners,

I have many reservations about using a remote, rural Resource Conservation parcel as a Church, a Country Club, or any other public commercial use. This is an out of the way location, where people have built the peaceful and natural lifestyles they crave. This site is miles away from the population center of Cachagua, where you can walk to Cachagua Park, or the Store, or conceivably to Church. Appropriate commercially zoned parcels sit unused in the heart of Cachagua. Why are they not good enough for the First Baptist Church?

I fear my and others concerns mean nothing when you read on the first page of the project discussion: "Federal law, under the Religious Land Use Act, prohibits local jurisdictions from imposing burdensome zoning law restrictions on churches and other religious institutions, absent the least restrictive means of furthering a compelling governmental interest. This has been interpreted by courts to be very permissive of churches locating most anywhere."

The parent church of this project is located on Schulte Road in Carmel Valley. Through the years this complex has tripled in size, adding several large outbuildings. Will the Cachagua Church follow suit, enabled by this federal law? Take a look at Condition 30 and the level of activity to be allowed, besides just a church: outdoor events, overnight camping, day camp, youth activities, counseling, day care. They will need a new barn for their trade skill training. How many days a week will these activities be conducted? With churches come events: weddings, funerals, fundraisers. Why is this even being considered in light of your recent Cima Collina hearing about commercial events in a residential area?

Exhibit H contains a letter sent June 30<sup>th</sup> from a consulting hydrologist, with the subject: "Preliminary Water Demand Estimate – Hydrogeologic Report Scoping Guidelines". Included was "Table 1 - Cachagua Bible Church Project Water Demand", which used the Monterey Peninsula Water Management District's Non-Residential Water Use Factors (attached) as a guide to estimate the water use. Per Group I – (which includes churches) water use is .00007 Acre foot /Square Foot, so the proposed 3,500 sq' church would use .245 acre-feet per year, slightly more than the .2 acre-feet for a residence. Except, look at Group II, will they have a kitchen to cater their events? That's .0002 AF/SF. And Group III: child care .0072 AF/Person, Meeting Hall .00053 AF/SF, all more intense uses. With such an array of potential activities, and a federal law to make it all allowable, water use could be much more than the estimate that influenced the Negative Declaration.

When I was a small child in Carmel Valley, there was only Wolter's Market and Farm Center between the Valley mouth and the Village, but look at it now. Please don't let that happen in Cachagua's Resource Conservation area.

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	PLN 140863 #1
DATE RECEIVED	8/9/17
SUBMITTED BY VIA	Public Hearing
DISTRIBUTION TO DATE	8/9/17 PC
DATE OF HEARING	8/9/17

Sincerely,

*Marj Ingram Viales*

Marj Ingram Viales

**TABLE 2: NON-RESIDENTIAL WATER USE FACTORS**

**Group I**      0.00007 AF/SF

Auto Uses	Retail	Warehouse	Dental Clinic	Office	Bank	Supermarket
Church	Nail Salon	Family Grocery	Medical Clinic	Wine Tasting Room	Fast Photo	Convenience Store
Dry Cleaner (No on Site Laundry)			Veterinary Clinic	School	Gym	

**Group II**      0.0002 AF/SF

Users in this category prepare and sell food/beverages that are primarily provided to customers on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Pizza must be served on reusable platters or on disposable plates. Glassware may be used to serve beverages.

Bakery	Pizza	Coffee House	Ice Cream Shop	Dry Cleaner (with on Site Laundry)
Catering	Deli	Sandwich Shop		

**Group III**

Assisted Living (more than 6 beds) <sup>1</sup>	0.085 AF/Bed
Beauty Shop/Dog Grooming	0.0567 AF/Station
Child/Dependent Adult Day Care	0.0072 AF/Person
Dormitory <sup>2</sup>	0.040 AF/Room
Laundromat	0.2 AF/Machine
Meeting Hall/Banquet Room	0.00053 AF/SF
Motel/Hotel/Bed & Breakfast	0.1 AF/Room
w/Large Bathtub (Add to room factor)	0.03 AF/Tub
w/Each additional Showerhead beyond one (Add to room factor)	0.02 AF/Showerhead
Irrigated Areas beyond ten feet of any building	ETWU
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Restaurant (including Bar/Brewpub Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the "Standard Exterior Seat Allowance" <sup>3</sup>	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the "Standard Exterior Seat Allowance"	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
Self-Storage	0.0008 AF/Storage Unit
Skilled Nursing/Alzheimer's Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

**Group IV - MODIFIED NON-RESIDENTIAL USES**

Users listed in this category have reduced water Capacity from the types of uses listed in Groups I-III and have received a Water Use Credit for modifications. Please inquire for specific property information.

All New Connections: Refer to Rule 24-B, Exterior Non-Residential Water Demand Calculations

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table 2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site.

<sup>1</sup> Assisted living Dwelling Units shall be permitted as Residential uses per Table 1, Residential Fixture Unit Count Values.

<sup>2</sup> Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table 2

<sup>3</sup> See Rule 24-B-1 and Rule 25.5 for information about the "Standard Exterior Seat Allowance".

*Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/13); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016); Ordinance No. 176 (1/25/2017); Resolution 2017-14 (7/21/2017)*



# ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

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August 8, 2017

5006.000

Don Rochester, Chair  
Members of the Planning Commission  
County of Monterey  
168 W. Alisal Street  
Salinas, CA 93901

RE: First Baptist Church/PLN140863

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGEND	PLN140863 #1
DATE RECEIVED	8/8/17
SUBMITTED BY VIA	Public @ Hearing
DISTRIBUTION TO DATE	PC 8/8/17
DATE OF HEARING	8/9/17

Dear Chair Rochester and Members of the Planning Commission:

We represent the First Baptist Church. Our clients have worked diligently with the County staff to address their concerns, particularly those regarding the need for a water system and fluoride removal. We are very appreciative of the staff's willingness to work with us to arrive at a mutually agreeable solution to that issue. We also appreciate the Commission's patience while the Church worked through that issue. Our clients are in agreement with staff recommendation and accept all of the conditions, except for a portion of condition 30.

Condition 30 would restrict uses at the Church to those which are "...consistent with the activities listed on page 3 of the environmental document..." Our clients agree to that portion of condition 30. They cannot agree to the portion of Condition 30 would limit the number of persons who could attend a church function to 65.

The staff report (page 4) discusses the proposed 65 person limit and states "In the environmental analysis, County staff identified site constraints, such as on-site wastewater treatment capacity and available parking area, that could limit the scope or level of use. County staff has recommended Condition No. 30 to address the Planning Commission's question regarding scope of use, including types of activities and a maximum capacity of 65 persons based on site constraints."

The Initial Study states:

- "To calculate the projected water demand, the Hydrogeologist (Feeney, April 2015) applied the Monterey Peninsula Water Management District's (MPWMD) method of fixture unit counts and established values for square footage of a given use. To determine the water fixture unit values for existing main dwelling and caretaker unit, Table 7-3 of the 2007 California Unified Plumbing Code was utilized. Based on this methodology, the Hydrogeologist concluded that water demand for the proposed project would be slightly less than the existing water demand for the single family residence (see Table 1 found on page 4 of the report). Based on this conclusion, the project would have no impact on water supply." (Initial Study pp28, 29)

- “the Percolation and Groundwater Study (Source 12) and the Geologic & Soil Engineering Report (Source 13), [found] the separation of septic leachfields and groundwater were limited. However, the Geotechnical Engineer provided recommendations for design in order to prevent seepage of effluent into the groundwater table. Since the project has been conditioned to comply with the recommendations of the percolation and geological reports, implementation would have a less than significant impact to water quality. (Initial Study pp 30, 31)”

Water demand and wastewater generation estimates are based on average daily use. The Initial Study found that there would be no impact to water supply and a less than significant impact to water quality. **The Initial Study does not recommend, or even mention, conditioning the permit to limit the number of persons who could attend a church function.**

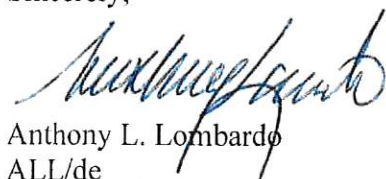
The staff wrote in its discussion (p 4) that the “...proposed parking for both existing and future church operations would be adequate pursuant to Monterey County Code (MCC) parking regulations... the proposed use, including projected future growth, would require 17 parking spaces per MCC.” The Church will provide 33 spaces, including 2 ADA spaces. That is nearly double the number of spaces required by the County Code for existing and future church operations.”

**There is no need, based on evidence in the Initial Study and the staff report to place a 65 person limit on the Church due to “on site constraints.”** The Church will have no impact on water supply, a less than significant impact on water quality and will provide 190% of the parking required by the County Code for existing and future church operations.

The 65 person limit proposed by the staff will require a “head count” for every event and would then presumably require the 66<sup>th</sup> person for the Easter service, a wedding, celebration of life or a regular church service to be turned away at the door. It will also make the Church subject to intense daily scrutiny from those persons who are opposed to this application. It also subjects them to disparate treatment with other churches approved by the County. We reviewed the Planning Commission and Zoning Administrator resolutions from 2009 to date. There are very few permits but **none of them were subjected to a limit on the number of persons who could be on site at any time.**

Although the Church does not believe there is a need to limit its use, it would agree to a daily average of 65 persons if the Planning Commission feels it is necessary to address its concerns over potential impacts to on site or off-site constraints.

Sincerely,



Anthony L. Lombardo  
ALL/de



Thank you for the opportunity to address you this morning.

Over the past two and a half years we have worked with the County staff, especially Planning Department and Environmental Health, to make sure we were careful to fulfill all of the requirements for issuance of the Use Permit for Cachagua Bible Church at 19345 Cachagua Road.

We have been serving our community since January 2008. We held services in Cachagua Community Park and in the General Store, depending on the weather. After 33 years as a photographer at the Monterey Herald, I resigned and moved out to Valley Creek trailer park in 2010, living in a 26' trailer and taking over pastoral responsibilities in serving our community. We had been praying for a church home that would better facilitate the needs of our community.

In July 2014 we were able to purchase the property at 19345 Cachagua Road.

Since we have been here we have been able to serve the community as a whole and individuals.

- \* Taken residents to hospital and doctors appointments.
- \* Visited folks in jail and helped a young man get to County Community Service in Marina (instead of jail).
- \* Accompanied folks to court and provided assistance in family matters.
- \* Able to serve as liaison for Sheriff during a crisis intervention because of my relationship with the family.
- \* Helped get a mentally ill man, who just knocked on our door, back to his family on the east coast.
- \* Have given away at least five cords of oak firewood to folks who could not afford it.
- \* I am one of the Community Liaisons of CERT with the Sheriff Department.
- \* I am the Secretary for Cachagua Community Park Board.
- \* After Tassajara Fire I worked with a local team and Community Foundation for Monterey County to get funds to residents who lost homes.
- \* During Soberanes Fire the church property was used as a staging area for firefighters and equipment.
- \* Dozers for the fire used church property to get around bridge CalFire said would not hold the rigs.
- \* In partnership with CERT/CERV and Community Foundation, 65 families from Jamesburg/Cachagua community came to the church and filled out applications for funds. We distributed \$30,000 to local residents.
- \* These are just a few ways we have been able to serve our community. We look forward to continuing to serve in greater ways.

On September 16, 2016 we were issued a "Negative Declaration" from the County staff.

In EVERY instance it reflected a "NO IMPACT" or "LESS THAN SIGNIFICANT IMPACT."

We went beyond what was required of us and we hired a noise expert out of San Jose (from the County list of approved providers) to cover this area of concern. On page 31 of the "Negative Declaration" the report states that in this area as well we will have "NO IMPACT" or "LESS THAN SIGNIFICANT IMPACT."

Largest hurdle has come as County Environmental Health is going to require Point Of Entry (POE) filtering systems on property with two or more homes. They are moving from County regulations to state. We are the first permit requested where this is being implemented. We have worked with the County and our counsel because everyone wants to make sure we all get it right. I believe we have provided, to the satisfaction of the County, all information concerning this matter.

On County record are all the comments made from residents supporting the church as well as the letters sent in supporting the church.

Thank you very much.  
Orville Myers, pastor  
Cachagua Bible Church

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA	7401408123 #1
DATE RECEIVED	8/9/17
SUBMITTED BY VIA	Public @ Hears
DISTRIBUTION TO DATE	PC 8/9/17
DATE OF HEARING	8/9/17



My name is Derek Bonsper. My property borders the property at 19345 Cachagua road on the North side. I have been a resident of Cachagua since 1998 and have lived in my current home since 2007. I am opposed to this use permit for the following reasons:

I am concerned about the increase in traffic and potentially traffic accidents that will affect the local residents. Our roads are already in terrible shape and dangerous to drive on. For now, the residents that attend the services, are familiar with the roads. The arguments and statements at the last meeting were indicative that growth and expansion are part of the projected scope. We got to witness outside growth first hand with the Cachagua General Store Monday night dinners. The dinners started small and within months the parking lot was full with 50 or 60 cars on every Monday night. Most of the people were coming from areas in town, and weren't local Cachagua residents. The saying "if you build it, they will come" definitely applied. The number of vehicle accidents increased and neighbors were subjected to excessive noise and congestion. The safety and well being of our residents should be taken into account first and foremost.

The County of Monterey is obligated to protect the resources in our area, especially the sensitive resources like watershed, plant and wildlife habitat, streams and riparian corridors. Public gatherings, summer camps, and weddings will generate increased water usage and a high septic demand. The property is also located along the edge of a riparian corridor, the Cachagua Creek. A full Environmental Impact Report should be performed to guarantee that an uninformed decision is not made. As a small example, the initial study performed wasn't adequate in determining the impact on the steelhead population as the study was done during the summer when there was no water in the creek.

This land use permit request has been a very contentious force in our community and has created division, not unification. Many of the residents that I have spoken with don't attend the meetings, but know people who do. They oppose the project, but don't want to go on record for fear of offending those who attend. Others live far enough away, so they too don't want to object and risk their reputation in the community. I know some of the people that attend the services and consider them friendly neighbors. It seems that the weekly services as they stand now meet their religious and spiritual needs. Lastly, what if other properties in this area decide to follow suit and apply for various use permits for their single family residence properties? This decision will be setting a very important precedent that will impact us all for a very long time to come. I hope that you will consider my concerns, and understand that I do not support granting a use permit for this project or any other project that threatens the fabric of our precious community and resources. I hope that the future and wellbeing for the entire Cachagua community will be taken into consideration.

Thank you for your time.

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	20170203 #1
DATE RECEIVED:	8/9/17
SUBMITTED BY/VIA:	Pub 12 Co. Harris
DISTRIBUTION TO/DATE:	PC 8/9/17
DATE OF HEARING:	8/9/17

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	70140813 #1
DATE RECEIVED	8/9/17
SUBMITTED BY/VIA	Public Co Hearing
DISTRIBUTION TO/DATE	PC 8/9/17
DATE OF HEARING	8/9/17

## Thoughts for Commissioners Hearing

Good morning. My name is Don Bonsper. My son and I are here representing other neighbors and residents who cannot be present to oppose this application. We border the property on the west and north.

The purchased location is not suitable for an evangelical church. It's currently zoned resource conservation. If a high use, commercial, quasi public activity is approved it will violate the Cachagua Area Plan and the Cachagua Vision. There are other parcels zoned for commercial that would be more appropriate for a church, especially one that meets the needs of the Cachagua community. Actually the local members of the existing church have done that since 2008, using the community center and former General Store for their services. They maintain their group will remain small. So why do they need 10 acres of a rural residential parcel?

They don't. This is the real issue. Outside forces need the property. The applicant in today's hearing, the evangelical FBC in Mid Valley, 17 miles away, bought the property in 2014. The majority of the support for making this property a church comes from **outside** Cachagua. The FBC plans for growth and expansion will add to the traffic on Cachagua Rd. The recent washout on the road and the current one way section show how vulnerable the residents are in terms of vehicular access. More traffic means more noise and a threat to public safety as people try to negotiate the narrow, blind sections of road.

Growth will consume precious resources and will allow the church to pay no taxes. The current water system is providing unacceptable water in



both quality and quantity. The solution is to treat the water and ignore the deficient well in terms of quantity. The treatment plan will consume 672 gallons a day. The existing well cannot meet that demand. The septic system is equally challenged especially with Cachagua Creek running through the property. In just a few words, this is a water nightmare.

Including the water system, the county has imposed 30 conditions to this permit. There is no time to discuss the details, but suffice to say the additional burden of these conditions will require significant county resources.

The issue here isn't a church, that is a red herring. It is about the high intensity expansion of traffic, general use, and commercialization of a rural neighborhood. Such an expansion could now and next be a grocery store, rehabilitation center, day care facility, medical clinic, anything, some of which are suggested in this application. So this isn't about a church but about preserving the vision and character of Cachagua as remaining a non-developed, agricultural, quiet, and protected part of the county. Please deny this use permit.

Thank you.