

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 <jmilet@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

CLERK OF THE BOARD
JULY 11 2017



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** / **6/9/17** (6 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 c h

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/planningfees/fee_plan.htm) and stamped addressed envelope

APPELLANT SIGNATURE

h)

DATE

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