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**ZONING ADMINISTRATOR  
STAFF REPORT- MINOR USE PERMIT**

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**SEPTEMBER 13, 2018  
U\_2018-0003**

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**SUMMARY**

**OWNER:** METHODIST EPISCOPAL CHURCH TTE  
PO BOX 294  
PHILO, CA 95466

**APPLICANT:** SEASHA ROBB  
PO BOX 634  
BOONVILLE, CA 95415

**REQUEST:** Minor Use Permit to establish a Daycare Facility/Small School in an existing church facility pursuant to Mendocino County Code Section 20.084.015(B).

**LOCATION:** 0.3± mi. northwest of Philo town center, on the western side of Hwy. 128 (CA 128), 46± feet northeast of the intersection of Hwy. 128 and Rays Rd. (CR 131), located at 8300 Hwy. 128, Philo (APN: 046-050-01).

**TOTAL ACREAGE:** 0.66± Acres

**GENERAL PLAN:** Rural Community (RC)

**ZONING:** Rural Community (RC)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt Pursuant to CEQA Section 15301(a), Existing Facilities

**RECOMMENDATION:** Approve with Conditions.

**STAFF PLANNER:** Susan H. Summerford

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant seeks to establish a daycare/small school for children ages 5-14 within an existing church. Mendocino County Code (hereafter MCC) Section 20.020.040 defines a Daycare/Small School Facility as, "*care or education of 7 or more, but not to exceed 25 persons regardless of age or handicap but excluding overnight care or uses classified as group care or other facilities exempted by the California Health and Safety Code.*" The Minor Use Permit is required per MCC Section 20.084.015 (B), which allows for a Daycare/Small School facility to be located within the Rural Community Zoning District upon approval by the Zoning Administrator. Minor site improvements consisting mainly of renovation of existing interior spaces and repair of fencing and exterior lighting are being reviewed by the County Building Department concurrently with the entitlement process. The applicant is proposing to operate year round and daily; with a traditional academic program being the main focus during the school year, as well as a separate after school enrichment program and summer camp/daycare type programs in the summer months.

The parking requirements for the proposed use are governed by MCC Section 20.180.030(A). Adequate parking for the school use is provided for onsite and satisfies MCC requirements. The existing religious assembly use has a parking requirement that amounts to fewer parking spaces than the school use triggers. As well, the existing church operates infrequently, switching months hosting the congregation between Boonville Methodist Church and the Philo location. Staff does not anticipate that the proposed additional use of the site will result in uses overlapping, nor that the more intense of the uses will

negatively impact the existing, and more intermittent use. Additionally, a requirement of the building permit approval is for the applicant to construct an ADA compliant parking space and loading zone, which is likely a boon to the attendees of the religious services.

The subject site is located on and takes access from State Highway 128, which is classified in the Mendocino General Plan as a Minor Arterial road. Although a main thoroughfare for travelling between the Anderson Valley and the Mendocino Coast, State Highway 128 also serves as the “Main Street” for many of the small towns and communities situated along its’ trajectory. The proposed use of a school and childcare center located in an existing church building is not anticipated to have a significant impact on the typical flow of traffic in the neighborhood. The subject site is located just beyond the boundaries of Philo town proper, and there are existing traffic control signs that restrict speeds to 30 miles per hour, therefore indicating speed and flow of traffic will be reduced in the vicinity of the project site.

**SITE CHARACTERISTICS:** The site of the proposed school is located 0.3± mi. northwest of Philo town center, on the western side of State Highway 128, approximately 46 feet northeast of the intersection of Highway 128 and Rays Road (CR 131). The parcel is mostly flat and is populated with mature oak, fir and madrone trees. Access to the parcel is taken from Highway 128. The site was in use historically as a Methodist Church and has been in continuous operation since 1892. The subject parcel is approximately 0.66± acres, and is located just outside of Philo town center, across from the Scharffenberger Vineyards and Tasting Room.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Rangeland:160	Rangeland:160	340 +	Agricultural
<b>EAST</b>	Rural Community	Rural Community	1.71+	Residential
<b>SOUTH</b>	Rural Community	Rural Community	1.71+	Residential
<b>WEST</b>	Rangeland:160	Rangeland:160	23+	Residential

**PUBLIC SERVICES:**

Access: Highway 128  
 Fire District: Anderson Valley CSD  
 Water District: None  
 Sewer District: None  
 School District: None

**AGENCY COMMENTS:** On March 20, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Anderson Valley School District	Response
Environmental Health – Ukiah	Comments
Building Inspection – Ukiah	Comments
Department of Transportation – Mendocino County	Response
Assessor – Mendocino County	No Response
California Department of Social Services – Rohnert Park Regional Office	No Response
CalFire	Response
Anderson Valley Community Services District	No Response
Department of Health Services	No Response
Emergency Services	Response
California Department of Transportation	Comments

### KEY ISSUES

**1. General Plan and Zoning Consistency:** The subject property is classified as Rural Community (RC), which is defined in the Mendocino County General Plan as, “intending to be applied to small, unincorporated towns and community centers and to areas near City boundaries, which provide a variety of community and tourist oriented goods and services but may not have well defined or identifiable commercial and residential districts.” Additionally, the RC “designation anticipates multiple land uses on any given lot, consistent with and supportive of a higher intensity of development in the community area core that will further define each of these town centers.” The subject site is located on the outskirts of Philo town and the applicant seeks to establish a Daycare/Small School in an existing religious facility. Both the existing and proposed uses are quasi-civic in nature and are therefore consistent with the intent of the General Plan vision for co-location of community supporting uses.

In the Rural Community Zoning District, as defined by the Mendocino County Zoning Code, the use of the existing structure as a place of religious assembly is a permitted use. The proposed use of a Daycare/Small School is allowed with a Minor Use permit entitlement. The intent of the RC Zoning designation is to “maintain and enhance existing rural communities” and to ensure that new proposals and developments “are compatible in scale, function and character”. Staff believes the project meets the intent of the RC Zoning designation, as the nature of religious facilities and childcare providers are both service-based endeavors that enhance communities and promote civic interaction.

**2. Use Permit Findings:** Per MCC Land Use Definitions, the applicant is seeking to establish a Daycare/Small School, a Civic use type whose purview is the education and care of school aged children, and is limited to 25 students or less. A Minor Use Permit is required for this use in the RC zone, per Section 20.084.015(B). The proposed Minor Use Permit is required to meet the use permit findings set forth in MCC Section 20.196.020. Following is a discussion of each finding and how the use permit appropriately meets those requirements.

1. *That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*

The project as proposed is in conformance with the General Plan in that it establishes a mixed use of an existing structure, maximizing efficiency of infrastructure and services whilst maintaining and enhancing the rural character of the area. The co-location of compatible uses is envisioned by the General Plan designation for the RC district.

2. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;*

The subject site is located on a parcel that currently houses a religious facility and is adequately served by on site well water, local fire and emergency services. New construction proposed is limited to interior renovations and the upgrading of a bathroom within the existing footprint of the building. The applicant has applied for and is in the process of receiving building permits for the construction necessary to commence operations as a daily provider of child care and educational instruction. The site is situated on State Highway 128, which is defined as a Minor Arterial in the county road classification system, and features an established and well defined entry point.

3. *That such a use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposal, as allowable by the MCC pursuant to the requirements of the use permit findings, cannot be construed as detrimental to the community. The applicant proposes to serve an identified need and is utilizing an established facility whose existing use provides a nexus for the new use to thrive and enhance the general welfare of the community.

4. *That such a use preserves the integrity of the zoning district;*

As stated, the intent of the RC zoning designation is to maintain and enhance rural communities through co-location and mixing of compatible uses. The project is a good fit for a local landmark such as the Philo Methodist Church, which was built 126 years ago and enjoys a prominent spot in the larger vista of the Anderson Valley community.

**3. Compliance with Anderson Valley Community Plan:** The subject site is located within the Anderson Valley Community Planning Area (Hereafter AVCPA) and, as such, findings must be made that demonstrate the proposals' compliance with and adherence to the development standards of that plan. A brief discussion of the identified goals and policies follows.

1. *Goal CP-AV-1: Maintain and enhance Anderson Valley's rural, agrarian character;*
2. *Goal CP-AV-3: Focus development and community services in and around the four existing communities—Yorkville, Boonville, Philo, and Navarro—in a manner compatible with physical features and natural resources;*
3. *Goal CP-AV-5: Preserve and enhance the historic character of Anderson Valley;*
4. *Goal CP-AV-6: Retain and restore historic buildings and sites throughout Anderson Valley;*
5. *Policy CP-AV-1: The County shall concentrate new development in the four towns in Anderson Valley (Yorkville, Boonville, Philo, and Navarro) and their immediate vicinities, and discourage new retail development outside of the four towns.*

The proposed project is sited in the immediate vicinity of Philo town, one of the four communities identified as the preferred location for new development. Staff believes that by preserving and enhancing an existing building that is a local landmark and has been owned and operated by the Methodist church organization continually for over a century, whilst introducing a new compatible use for the site, can be deemed ideal in terms of satisfying the stated goals of the AVCPA.

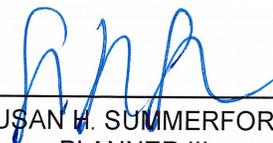
**4. Environmental Determination:** The project is exempt from environmental review pursuant to California Code of Regulations (CCR) Section 15301, Existing Facilities.

#### RECOMMENDATION

The Zoning Administrator, by resolution, grants approval of Use Permit U\_2018-0003, as conditioned, based on the facts and findings and subject to the Conditions of Approval.

8/15/18

DATE



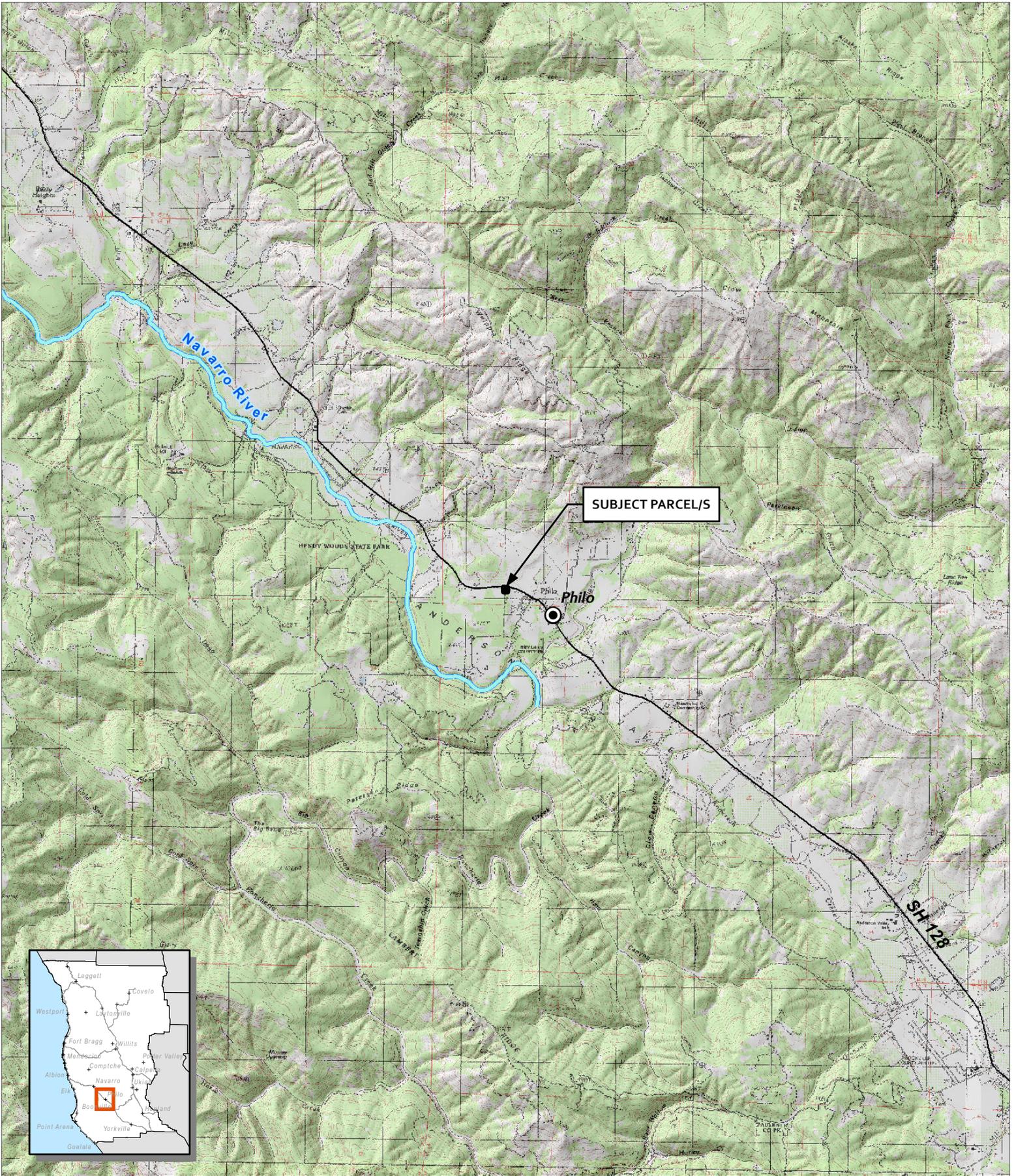
SUSAN H. SUMMERFORD  
PLANNER III

Appeal Period: 10 Days  
Appeal Fee: \$1616.00

#### ATTACHMENTS:

- |                 |                       |
|-----------------|-----------------------|
| A. Location Map | E. Zoning Map         |
| B. Aerial Map   | F. General Plan Map   |
| C. Site Plan    | G. Adjacent Owner Map |
| D. Floor Plan   |                       |

#### RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



**SUBJECT PARCEL/S**

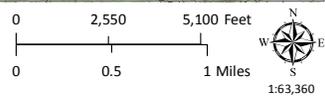
Philo

SH 128



CASE: U 2018-0003  
 OWNER: Methodist Episcopal Church  
 APN: 046-050-01  
 APLCT: Seasha Robb  
 AGENT: Seasha Robb  
 ADDRESS: 8300 Hwy. 128, Philo

-  Major Towns & Places
-  Major Rivers
-  Highways



LOCATION MAP

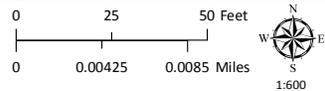
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
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SH 128 ( )



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

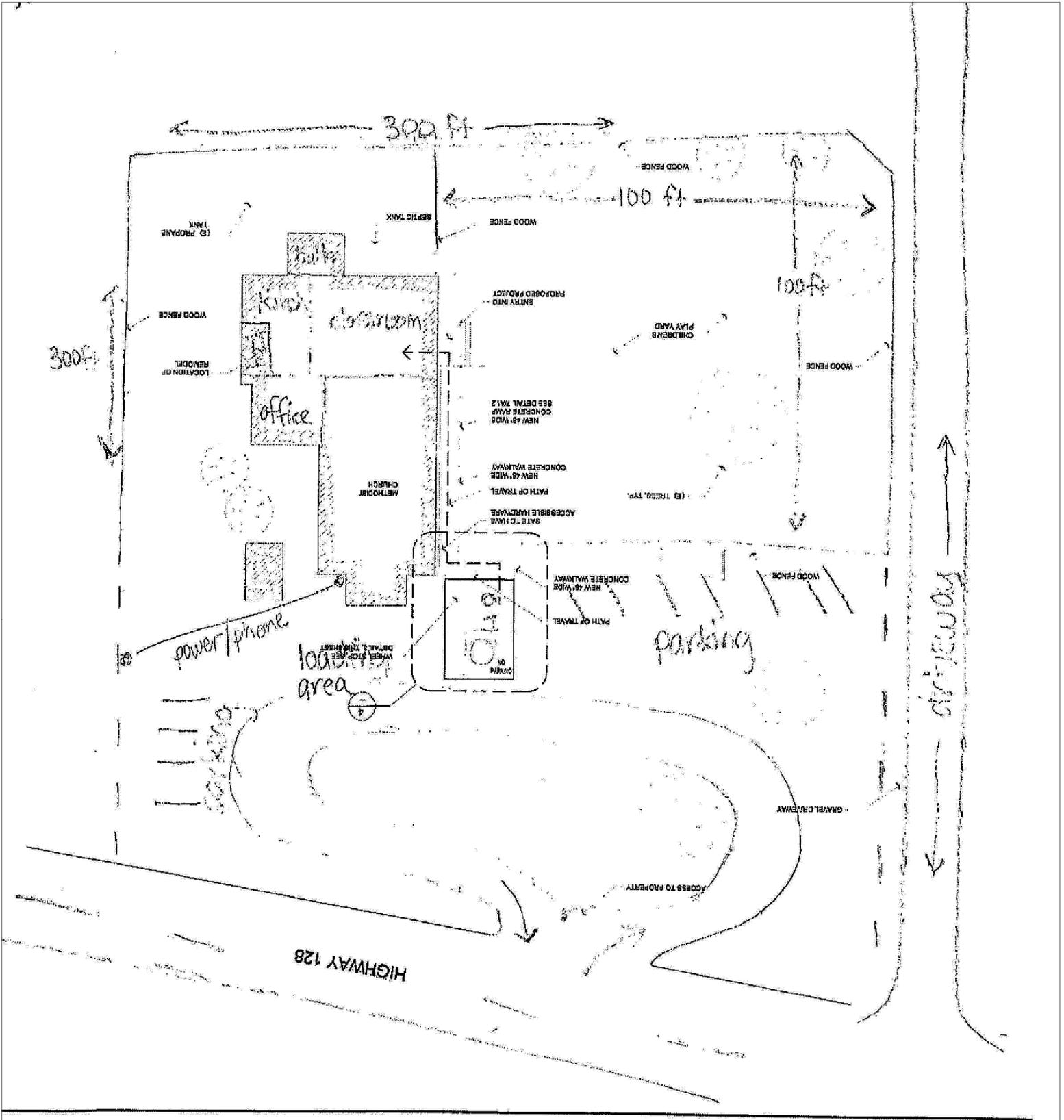
CASE: U 2018-0003  
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Public Roads

AERIAL IMAGERY

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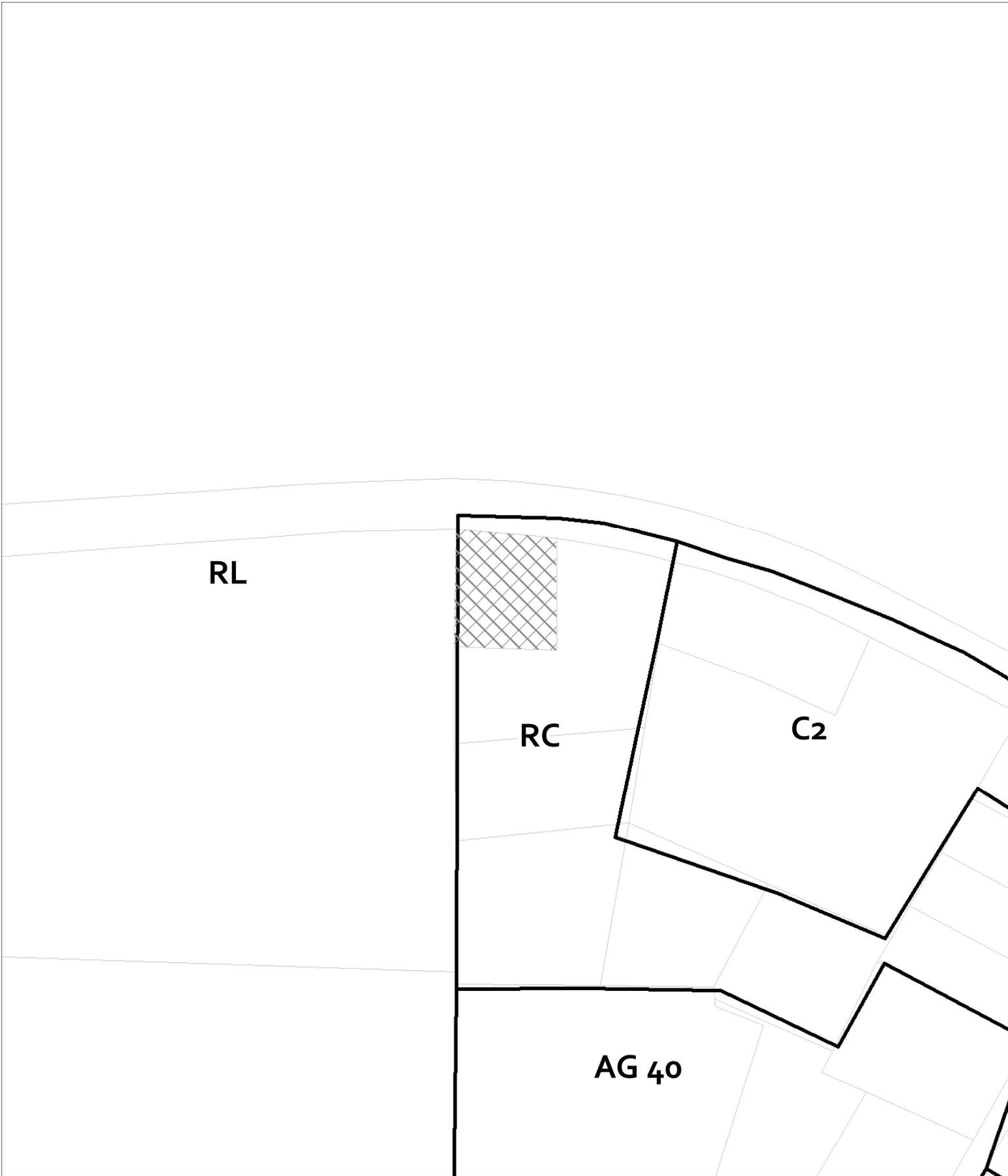
NO SCALE

SITE PLAN

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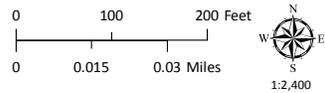
 Zoning Districts

ZONING DISPLAY MAP

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 General Plan Classes

GENERAL PLAN CLASSIFICATIONS

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046-031-73  
GROVE REDWOOD  
RL 160 340 A±

046-050-01  
EPISCOPAL METHODIST  
RC 40K 0 A±

046-050-32  
ROBERT MAKI  
C2 40K 0 A±

046-050-03  
KIRT MORSE  
RC 40K 1.71 A±

046-040-28  
BARBARA SCOTT  
RL 160 23 A±

046-050-04  
CATHERINE EVANS  
RC 40K 0.97 A±

046-050-30  
JAMES DEAN  
C2 40K 0 A±

046-050-05  
DENNIS HUDSON  
RC 40K 1.3 A±

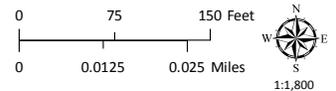
046-050-07  
ERNEST BLATTNER  
RC 40K 1.07 A±

046-050-08  
GILBERTO GARCIA  
RC 40K 0.7 A±

046-031-91  
DONNA WHITAKER  
RL 160 23.5 A±

046-060-35  
MARIA ORTEGA  
AG 40 4.17 A±

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ADJACENT PARCELS

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Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
September 13, 2018

U\_2018-0003 - METHODIST DAYCARE/SMALL SCHOOL FACILITY

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF  
MENDOCINO, STATE OF CALIFORNIA, GRANTING A MINOR USE  
PERMIT FOR A DAYCARE FACILITY/SMALL SCHOOL.

WHEREAS, the applicant, SEASHA ROBB, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to establish a Daycare Facility/Small School located 0.3± mi. northwest of Philo town center, on the western side of Hwy. 128 (CA 128), 46± feet northeast of the intersection of Hwy. 128 and Rays Rd. (CR 131), located at 8300 Hwy. 128, Philo (APN: 046-050-01); Supervisorial District 5; hereafter referred to as "the Project"; and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1(a); and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on September 13, 2018, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. General Plan Findings: The subject property is classified Rural Community (RC) under the General Plan. Small Schools and Daycare uses are consistent with the intent of the General Plan.
2. Zoning Findings: The subject property is zoned Rural Community, 40,000 square foot minimum lot size (RC:40K). The project is consistent with the Rural Community District provisions of Section 20.084.015(B) of the Mendocino County Code.
3. Project Findings: The Zoning Administrator approves U\_2018-0003 subject to the conditions of approval recommended by staff, and further finding:
  - (A) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The Project is located in an existing building that is well served by local utilities, is located on a main thoroughfare with an established access point and will require no new construction.
  - (B) That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect. The Project, as

proposed, is allowable pursuant to the County Code, and proposes to serve a need in the community utilizing an existing building with a compatible use type.

- (C) That such use preserves the integrity of the zoning district. The Rural Community zoning designation specifically directs new development to be compatible mixed uses.
- (D) The Project is consistent with required findings of the Anderson Valley Community Plan in that it maintains the rural character of Anderson Valley; focuses development in an established community; and reuses a historically relevant building.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Minor Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST:      VICTORIA DAVIS  
                 Commission Services Supervisor

By      : \_\_\_\_\_

BY:      IGNACIO GONZALEZ  
            Zoning Administrator

\_\_\_\_\_

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL  
U\_2018-0003 - METHODIST DAYCARE FACILITY/ SMALL SCHOOL  
September 13, 2018**

**APPROVED PROJECT DESCRIPTION:** Minor Use Permit to establish a Daycare Facility/Small School in an existing church facility pursuant to MCC Section 20.084.015(B)

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.196.035 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period has expired and no appeal has been filed. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicant has the sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
4. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the applicant to make use of this permit within one (1) year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
5. In the event that the use of the facility should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U\_2018-0003.
6. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
7. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith is mandatory, unless a modification has been approved by the Zoning Administrator.
8. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.

- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

9. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
10. The applicant shall obtain all authorizations required by and comply with all conditions established by the following agencies having jurisdiction over the project, including, but not limited to:
  - a. County of Mendocino Building Inspection Department: May 4, 2018
  - b. County of Mendocino Environmental Health Department: May 15, 2018
  - c. State of California Department of Transportation: June 27, 2018
11. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

#### **BUSINESS LICENSE:**

12. Prior to commencement of operations the applicant shall submit a copy of their Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.

#### **CHILD CARE FACILITIES/SMALL SCHOOLS:**

13. Necessary permits and clearances from the Mendocino County Building Inspection Division shall be required prior to occupancy of the building by a licensed day care facility.
14. Noise levels related to the day care facility shall not exceed those customarily generated by other uses in the neighborhood.
15. In addition to the off-street spaces required for the religious facility, there shall be provided on site at least one (1) space for every employee working on the largest shift plus (1) space for every ten persons.
16. One non-illuminated sign not to exceed four (4) square feet shall be permitted.
17. Hours of operation are limited to 7 a.m. to 6 p.m. Monday through Saturday.
18. Prior to commencement of operations, the applicant shall complete all permitting and licensing requirements of the California State Department of Social Services for operating a small school serving school aged children.
19. No parking shall be permitted within the County or State right of way.
20. Any proposed work within county rights of way requires obtaining an encroachment permit from the California Department of Transportation (CalTrans).

**UTILITIES AND SERVICE SYSTEMS:**

21. The applicant shall contact and work with the Mendocino County Department of Environmental Health to meet any requirements the department has regarding wastewater and septic systems.

**USE PERMIT CONDITION ACKNOWLEDGEMENT:**

22. To ensure the terms and conditions of this use permit are understood by the applicant, an acknowledgement form shall be submitted to the Department of Planning and Building Services.  
TIMING AND REQUIREMENTS: Prior to commencement of use authorized under Use Permit U\_2018-0003 or issuance of any building permits associated with said Use Permit, the applicant shall submit a signed statement acknowledging the review and full understanding of all terms and conditions associated with project approval and ongoing condition compliance.

**EXTERIOR LIGHTING:**

23. All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.