

Resolution Number _____

County of Mendocino
Ukiah, California

AUGUST 12, 2021

U_2021-0003 - ROMAN CATHOLIC BISHOP OF SANTA ROSA

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA GRANTING A MINOR USE PERMIT TO ALLOW CONSTRUCTION OF A 2,400 SQUARE FOOT OUTDOOR PAVILION TO BE USED FOR RELIGIOUS SERVICES.

WHEREAS, the applicant, ROMAN CATHOLIC BISHOP OF SANTA ROSA, filed an application for a Minor Use Permit with the Mendocino County Department of Planning and Building Services for construction of a 2,400 square foot outdoor pavilion to be used for religious services per Mendocino County Code Section 20.020.085, located 1.8± miles northwest of Boonville town center, on the west side of State Route 128 (SR 128), 0.1± miles northwest of its intersection with Road 150A (CR 150A), located at 12761 Anderson Valley Way, Boonville APN: 046-200-75; General Plan (RR5); Zoning (RR:5); Supervisorial District 5; (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 3; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on August 12, 2021, 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

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

1. **General Plan Findings:** The subject properties are classified Rural Residential, minimum parcel size five (5) acres (RR5;) under the Mendocino County General Plan. The proposed use related to Religious Assembly is consistent with the General Plan which allows for public services; and
2. **Zoning Findings:** The subject property is zoned Rural Residential, minimum parcel size five (5) acres (RR5;) The project, which comprises construction of an outdoor pavilion with the intent to enclose it for Religious Assembly, is consistent with the zoning district subject to a Minor Use Permit per Section 20.020.085 of the Mendocino County Code, and allows for religious assembly; and
3. **Use Permit Findings:** The Zoning Administrator approves U_2021-0003 subject to the conditions of approval recommended by staff, and further finding:
 - A. As noted above, the proposed use related to Religious Assembly is consistent with the General Plan. The subject property is classified Rural Residential, minimum parcel size five (5) acres (RR5;) under the Mendocino County General Plan;
 - B. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided. The subject parcel is accessed via a public road; Anderson Valley Way. The

Mendocino County Department of Transportation (MCDOT) was provided with an opportunity to comment. A 'no comments' response was received. Staff has reviewed the project and provided conditions to ensure appropriate site improvements or processes are continued. The subject property is served by Pacific Gas & Electric, and is otherwise provided with water sufficient to support the operations via two (2) permitted wells and permitted septic and;

- C. The proposed use will not constitute a nuisance or be detrimental to health, safety, peace, morals, comfort or general welfare of persons residing or working or passing through the neighborhood of the proposed facility, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county. The proposed project would allow church members to park and congregate at least once a week between the hours of 9:30am and Noon, approximately, once a month on First Fridays, and seven (7) other days during the year. This can lead to nuisances. Because the proposed project potential for noise, conditions have been included to help mitigate any nuisance issues. Conditions have been included to address issues regarding noise, and special events. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan; and
- D. That such use preserves the integrity of the zoning district. The parcel is located in the Rural Residential, minimum parcel size five (5) acres (RR:5) zoning district. The proposed project adheres to all applicable requirements of the district and is consistent with all other sections of the Mendocino County Code, including section 20.020.085, which allows for religious assembly. The proposed project for religious services is allowed in the Rural Residential zoning district per Mendocino County Code 20.048.015(B), Civic Use Types; and
- E. The subject parcel is located within Zone "C" of the Boonville Airport Zone. As a Public Building, this use is compatible with the zone per the Mendocino County Airport Comprehensive Land Use Plan. A referral was sent to the Airport Land Use Commission and staff received no response.

4. **Environmental Protection Findings:** The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 3 exemption, new construction no exceeding 2,500 square feet not involving significant amounts of hazardous substances

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 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 11th 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: JAMES F. FEENAN
Commission Services Supervisor

BY: IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

AUGUST 12, 2021

U_2021-0003 – ROMAN CATHOLIC BISHOP OF SANTA ROSA

Minor Use Permit to allow construction of a 2,400 square foot outdoor pavilion to be used for religious services per Mendocino County Code Section 20.020.085.

APPROVED PROJECT DESCRIPTION: Minor Use Permit for construction of a 2,400 square foot outdoor pavilion to be used for religious services. Applicant proposes future modifications to the pavilion with the intention of fully enclosing it.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors.
2. The Applicant shall submit to Planning and Building Services **within 30 days** of approval of Minor Use Permit U_2021-0003, a signed letter of acknowledgment stating that they have read all Conditions of Approval for this permit and that this project will be consistent with all conditions.
3. Failure of the permittee to make use of this permit within two (2) years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
4. The use 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.
5. 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.
6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
7. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 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.

8. 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.
9. 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.
10. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensor activation).
11. In the event that the use of the pavilion should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2021-0003.
12. Religious services and related activities shall be limited to the hours of 7:00 a.m. through 10:00 p.m. Air horns, and any similar noise creating devices, are prohibited (see Appendix C of Division I of Title 20 of Mendocino County Code).
13. The use of sound systems shall not create audio that exceeds 50 decibels. Speakers shall be directed north / northeast towards Highway 128.
14. The access road, driveway, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Regulation 1 Rule 430 (Fugitive Dust Emissions). All grading must comply with AQMD Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.
15. Driveways and parking areas on the site shall be surfaced with gravel or other material sufficient to control dust and provide a durable all-weather surface.
16. The Applicant shall employ Best Management Practices (BMPs) regarding the proper storage and handling of any hazardous materials and hazardous wastes.
17. The Applicant shall secure all required building and health permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services
18. The Applicant shall secure health permits as required by Mendocino County Department of Environmental Health as well as finalize septic permit number ST1076 prior to enclosing the pavilion.
19. A modification to the use permit shall be required should the Applicant enclose the pavilion. Any modification to the use permit would be processed subject to Mendocino County Code Section 20.196.045.
20. Any Building Permit request shall include all conditions of approval of Use Permit U_2021-0003. Conditions shall be attached to or printed on the plans submitted.