



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PFTE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: March 16, 2010

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: 559-624-7000

SUBJECT: Appeal of the Zoning Administrator's Decision No. 3026, approving Special Use Permit No. PSP 08-081 (ZA), Living Word Fellowship.

REQUEST(S):

That the Board of Supervisors:

Deny the Appeal filed by Mr. & Mrs. Faria, accept the Negative Declaration as the appropriate environmental document, and approve the attached Resolution with findings and adopt the Conditions of Approval for Special Use Permit No. PSP 08-081 (ZA). Living Word Fellowship, for the establishment of a worship facility on an 18.39-acre parcel in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone, on property located on the east side of Road 68 and west of Road 72, approximately 1,750 feet north of Avenue 416, west of Dinuba.

SUMMARY:

A public hearing was held by your Board on March 2, 2010, and received staff presentation and public testimony on the project. Board Agenda item no. 4 dated March 2, 2010 is attached (Attachment "5"). The public hearing was continued to March 16, 2010, to allow staff an opportunity to modify and add Conditions of Approval as requested by your Board. The Board identified three conditions and one information item to be addressed:

SUBJECT: Appeal of the Zoning Administrator's Decision No. 3026

DATE: March 16, 2010

1. Sewer
2. Paving of parking lot
3. Finalizing of parking lot
4. Phasing of school improvements in relation to this project.

1. Sewer: In reference to the Sewer connection availability. Staff attempted contact with the City of Dinuba but was unable to obtain that information. However, Dan Miner advised staff that he will represent the City of Dinuba and address this issue.
2. Paving of parking lot: The parking lot shall be temporarily improved with decomposed granite with slurry seal. All underground infrastructure shall be completed during the first Phase of this project, this is reflected in Conditions of Approval 13 and 15.
3. Finalizing of parking lot: All of the parking area shall be paved prior to or concurrent with Phase II of this project, this is reflected in Condition of Approval 14.
4. Phasing of School sewer service improvements in relation to this project. Staff attempted contact with the Superintendent, Vice-Superintendent or any knowledgeable person in the Dinuba School District. An employee of the School district responded and advised County Staff that that there is no established time schedule as this project is in the very early stages.

In summary Staff modified existing Condition of Approval No. 14 (now Condition of Approval No. 17) to read:

The project shall be designed with the infrastructure necessary for hook up to City sewer once it becomes available; from any available hookup, within six months of availability, or as requested by the City.

The old condition read:

The project shall be designed with the infrastructure necessary for hook up to City sewer once it becomes available.

The following **Planning** Conditions of Approval were added by staff:

13. The parking lot shall be temporarily improved with decomposed granite with a chip slurry seal.
14. The entire parking lot shall be paved prior to or concurrent with Phase II of the project.
15. All underground infrastructure shall be completed during the first phase of this project.
23. The Landscaping Plan shall be modified to include fast growing evergreen trees or a fast growing evergreen hedge along the west 2/3rds of the south property line. The plants shall be at least five feet in height when planted.

SUBJECT: Appeal of the Zoning Administrator's Decision No. 3026

DATE: March 16, 2010

FISCAL IMPACT/FINANCING:

No net County costs to the General Fund. The cost associated with the processing of this appeal is paid for by the applicant; full cost recovery.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Denying the appeal and upholding the approval of Special Use Permit No. PSP 08-081 (ZA) promotes economic well being and economic development opportunities, which are goals that are linked to the Economic Well-Being initiative of the Tulare County's Strategic Business Plan 2006-2011.

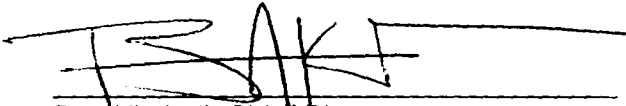
ALTERNATIVES:

Your Board could approve the appeal and thereby deny the project based on the findings and conditions to be prepared and returned at a future meeting.

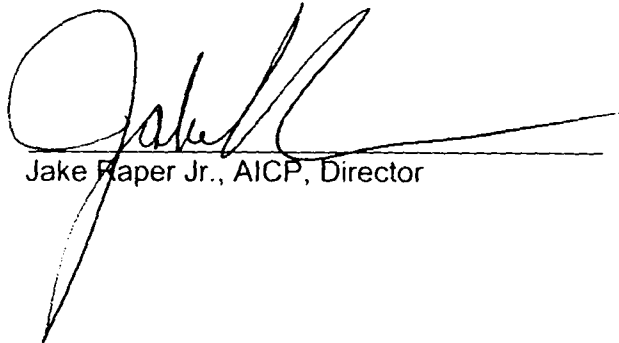
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

N/A

ADMINISTRATIVE SIGN-OFF:



Ben Kimball, Chief Planner



Jake Flaper Jr., AICP, Director

cc: County Counsel
County Administrative Office (2)

Attachment(s)

1. Appeal letter
2. Revised Zoning Administrator Decision No. 3026
3. November 23, 2009, opposition letter
4. Zoning Administrator Staff Report/Environmental Document
5. March 2, 2010 Agenda

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

**IN THE MATTER OF AN APPEAL FILED BY JOSE FARIA)
OF THE ZONING ADMINISTRATORS APPROVAL OF)
SPECIAL USE PERMIT NO. PSP 08-081 (ZA) FOR A)
WORSHIP FACILITY)**

RESOLUTION NO. _____

Resolution of the Board of Supervisors of the County of Tulare, approving a Special Use Permit requested by the Living Word Fellowship, 172 North 'L' Street, Dinuba, CA 93257 (agent: Al Hawthorne, Jr., Western Commercial Construction, Inc., PO Box 580, Fallbrook, CA 92088), for the establishment of a worship facility on an 18.39-acre parcel in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone, on property located on the east side of Road 68 and west of Road 72, approximately 1,750 feet north of Avenue 416, west of Dinuba.

The Board of Supervisors hereby determines the following findings were relevant in evaluating this application:

1. An application for a Special Use Permit has been filed pursuant to the regulations contained in Section 16 of Ordinance No. 352, the Zoning Ordinance.
2. Under Board of Supervisors' Resolution No. 83-459, as amended, and Section 16 of the Tulare County Zoning Ordinance, the Board of Supervisors is authorized to approve or deny requests for special use permits for churches.
3. Staff has given notice of the Board of Supervisor's intention to consider the granting of a Special Use Permit as provided in Section 16 of said Ordinance No. 352 and as provided in Section 65905 of the Government Code of the State of California.
4. Staff has performed necessary investigations, prepared a written report and recommended certain conditions of approval if this application is approved by the Board of Supervisors.
5. Public hearings were conducted on October 1, 2009 and December 3, 2009, in the Planning Commission Meeting Room of the Resource Management Agency offices, in order to receive public testimony on the proposed application. The applicant, Pastor Mark Wallace-Living Word Fellowship and agent, Al Hawthorne, Jr., appeared at the hearings to speak in favor of the project. Donald Dinger, Phillip Ybarra, Jesus and Isabel Guzman and Jose and Irma Faria appeared in opposition to the project and stated their concerns as follows:

Mr. Dinger was concerned that the congregation would use his private access easement and the un-improved Road 70, which goes past his property. He stated that the traffic would create dust, noise, and a general disturbance. He was also concerned about the use of Road 68; ground water; septic, and construction noise. Mr. Faria was concerned about the ground water; septic; noise; cars leaking oil affecting the ground water; the use of Road 68, and insufficient noticing period for the environmental document (per direction staff re-noticed the hearing for 30 days and the notice was sent to the State Clearinghouse). Mrs. Faria was concerned about noise caused by outside events and outside music; septic; water, and the use

of Road 68. Mr. Ybarra was concerned about speeding traffic and fog on Road 68 as he farms and uses that road. Mr. Ybarra was also concerned with the previous statements of concern.

Mr. Hawthorne, responded that the septic system would not contaminate the ground water as the setbacks were more than those required by Tulare County standards and also that high nitrates already exist as was discovered when the site's existing agricultural well was tested.

A letter was received from Jose and Irma Faria in response to the re-noticed hearing. The concerns noted in the letter were: Ground water; septic (requesting the project hook up to City sewer or the involvement of the Regional Quality Control Board); noise; cars leaking oil and other fluids thus affecting the ground water; the use of Road 68 and Road 70; the 37 foot height of the worship building; the loss of prime agricultural land; dust, and staff's determination in reference to the mandatory findings of significance.

Staff comments regarding the concerns:

- In reference to the noise, the agent stated that if construction noise is a problem they would have no problem establishing restricted hours for construction. The applicant and his agent stated that surrounding property owners would be given a two-week notification prior to large events. Also, in relation to noise, conditions have been included restricting the noise level to 65db at the property line; limiting the number of events to two 2-3 day events per year, and limiting the event time from 10 am to 10 pm, with an additional hour for clean up (See Conditions of Approval No. 18, 19, 20 and 21).
- In reference to the contamination of ground water from the use of the septic system; the condition of the soil, location of the aquifer and size of the parcel was reviewed and considered by the Health and Human Services Department and the Environmental Assessment Officer. A resulting Condition of Approval No. 32, has been incorporated to insure there is no ground water contamination from this project. The Condition of Approval requires that all new septic systems be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system design and installation. The specifications and engineering data for said system shall be submitted to the TCEHSD for review and approval prior to the issuance of a building permit.

The site cannot receive sewer service from the City. The Regional Water Quality Board deals with septic effluent that is 5,000 gallons or more per day, however this project is not expected to generate that much even at full build out. The ponding basins are required to keep runoff water and storm water on-site. Staff received verification of this information from Doug Pattenon at the Regional Water Quality Control Board (RWQCB). The agency that deals with septic systems is the Health and Human Services Agency and they did review, consult and place Conditions on this project for the septic leach line system. The project was also reviewed by the Environmental Assessment

Officer who determined that with the design features of the worship facility and the proposed Conditions of Approval, the project would have a less than significant impact on the environment.

- A condition of approval has been included requiring that the project include infrastructure so the site will have the ability to hook up to City sewer as soon as it becomes available.
- In reference to the height of the worship building, the City of Dinuba does not intend to annex this property for approximately 20 years according to information received from the City. If the church were to build in the City limits the applicant could request a variance from the City's 25 foot maximum building height (the applicant is proposing a building height of 37 feet). However, as the project site is not located in the City, the applicant cannot apply for the variance and therefore if the County were to apply the City's Condition of Approval the applicant would be denied due process. The proposal adheres to the Tulare County Standards.
- In reference to the church traffic using unpaved Road 70 alignment, the applicant has agreed to place temporary barriers along the areas of the private access easement that lead to the Road 70 alignment during services and special events (the property upon which the Road 70 alignment is located does not belong to applicant). The only access to the site from Road 68 will be on the north side of the property, to be used by construction vehicles and maintenance vehicles only. This access will not be improved for utilization by the congregation. The congregation will access the site via a 24-foot wide, ¼ mile long private vehicular access easement which is accessed from Road 72, all of which is located inside the City of Dinuba City limits.
- In reference to the soil being prime agriculture land. The information provided by staff was acquired from the United States Department of Agriculture (USDA), Soil Survey of Tulare County, California, Western Part (1993). The determination was that the USDA has determined that Delhi Loamy Sand soil is non-prime. The soil has rapid permeability which can speed the leaching of nutrients and water.
- In reference to dust, measures for dust control are being addressed by Condition of Approval No. 43 which states that all weather surfacing shall be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.
- In reference to vehicle fluids dripping onto the soil and over time degrading the ground water; the amount of time the parking area would be unpaved (covered in gravel with chip seal slurry) would be 12-18 months. The Health and Human Services Department indicated that there is no issue of contamination as sand is used as a filter for these types of fluids and by the time water reaches the aquifer it should be free from contaminants and basically clean.

- In reference to the Mandatory Findings of Significance; an environmental assessment was prepared by staff and reviewed by the Environmental Assessment Officer, who determined that there are no significant impacts associated with this project. The project has design features and Conditions of Approval that address all environmental issues, without a need for mitigation measures.
6. The subject site is zoned AE-20 (Exclusive Agricultural-20 acre minimum). Churches are allowed upon the granting of a Special Use Permit, per Section 16 of the Zoning Ordinance. The parcel is 18.39 acres in size and currently contains vacant land, stables, a propane tank, orchard and agricultural well. The easterly property boundary line is coterminous with the Dinuba City limits, to the east of the County boundary are approved, but not yet built, subdivisions, row crops and orchards. The properties to the north, south and west are all zoned AE-20 and contain homesites, row crops, and orchards. To the south there is also a vineyard. To the west is Road 68 and the Sand Ridge Aqueduct Ditch.
 7. The subject site is located within the Dinuba Urban Area Boundary and Urban Development Boundary. The Open Space Element designates the site for "Urban Expansion." The Dinuba Area Land Use Plan (GPA 87-06) designates the parcel for "Rural Residential" (Low Density). The City has no current plans to annex the site.
 8. The State of California Department of Public Health, in its letter dated June 10, 2009, stated they would not issue the applicant a permit to develop a well on this site and recommended that the facility be connected to the City of Dinuba's municipal water system.
 9. The City of Dinuba adopted Resolution 2009-39, on June 23, 2009, stating the City would extend water service to the applicant at the applicant's expense.
 10. The project is out of the Sphere Of Influence for City sewer and storm drain utilities. The project will be designed with the appropriate infrastructure so that once these services become available; connection to City services will be possible.
 11. This Special Use Permit would allow a worship facility to be constructed in two phases with completion of Phase Two to occur within five years unless an extension of time is applied for and approved.

Phase One:

- Completion of the 36,226 sq. ft. worship hall building consisting of the prayer room, 'Word Shoppe' (book store and coffee shop), guest center, bathroom facilities, Sunday school rooms (for toddlers and pre-schoolers), meeting rooms, offices, break room, main sanctuary (with a 552 seat capacity), worship rooms, green room, equipment room, storage rooms and lobby area.
- Approximately 198 parking spaces will be prepared and surfaced temporarily with decomposed granite, with paving anticipated in phase two.
- One 24-ft wide by ¼ mile long "Chip Seal" slurry paved driveway will be installed from Road 72 (applicant has acquired an easement from the owners).
- Installation of septic leach line system.

- Installation of concrete walkways.
- The storm water retention basins (the landscaping areas and athletic fields) for both phases will be graded.
- A 24 sq. ft. 8 ft. tall monument sign, with illuminated backlit letters, will be installed on the east side of the property.

Phase Two:

- The remaining 52,000 sq. ft. of the worship hall building will be constructed (including the second story) which will add seating capacity of 448 seats and complete the worship hall building construction (total height of 37 feet). The total seating capacity will be 1,000 once the remainder of the worship hall building is constructed.
 - The 10,127 sq. ft. outdoor amphitheater will be constructed.
 - The fountain will be installed.
 - 150 parking spaces will be added, which combined with the parking spaces from phase one will total 348.
 - A Diamond Vision Screen 24 sq. ft. by 8 ft. tall (digital) monument sign will replace the existing monument sign on the east side of the property.
 - Landscaping will be completed and the athletic fields will be planted.
12. The proposal does not include renting the kitchen facility to outside groups or other commercial use.
13. The proposal does not include private school use and children will usually not be present on the site except evenings and weekends.
14. The facility will be open seven days per week between 8AM – 9PM. However, evening meetings and activities held throughout the week may extend until 10PM.
15. Previous considerations for special use permits for church facilities have resulted in locational criteria that may be used as a guideline for future developments. Generally, approvals have been based on the following criteria:
- a. The site is located within an Urban Development Boundary and, if applicable, the City does not oppose development of the site for a church.

Staff Comment: The site is within the Dinuba Urban Development Boundary, the easterly property line is the west city limit line. If the site were within the city limits, it would be designated for R-1-6 (Medium Density Residential) Zoning, which allows churches with approved discretionary use permits.
 - b. The configuration of the site makes it unsuitable for agricultural production.

Staff Comment: This criterion is not met. The 18.39-acre site's size and shape could be suitable for agriculture and agricultural uses border the north, west and south sides of the property. However, the property to the east is zoned for residential uses and, according to the 1972 Environmental Resources Management Element (ERME); the site is designated for "Urban Expansion." Also, the soil is Delhi Loamy Sand which is not prime agricultural land.

- c. The site is adjacent to intensive commercial or residential development.

Staff Comment: The site is zoned AE-20, shares a property line with the City of Dinuba and land that is zoned for residential uses and has tentative subdivisions located thereon.

- d. The site is located on a County arterial roadway.

Staff Comment: The site has frontage on Road 68, however, the applicant has acquired an easement from the subdivision owner to the east for a private driveway access to the property from Road 72, which is within Dinuba City Limits. The City designates it as an arterial.

Criteria a, c and d can be met. Criterion b cannot be met; however, per ERME the site is designated for "Urban Expansion" and contains non-prime soil. The project conforms to the criteria for previously approved worship facility approvals, and is in compliance with the Tulare County Zoning Ordinance No. 352.

16. According to the 1988 Noise Element, the subject site is not located in a noise-impacted area. Neighboring adjacent properties on the west and south contain houses, whose occupants might be disturbed by noise generated at the worship facility. As stated in the Noise Element Technical Reference Document, a noise environment of 50-60 dB Ldn is considered "normally acceptable" for residential uses. Educational land uses are not required to have solid masonry walls next to residential zones to muffle noise, as are commercial uses. Conditions of approval will limit operating hours to between 8AM and 10PM to limit disturbance from noise generated by the worship facility and will require landscaping around the perimeter of the site.
17. Access to the site is via a private vehicular access easement from Road 72 which is within the City of Dinuba and designated as an "arterial" with a 104 foot right of way. Applicant shall, upon approval of project, record a deed granting said private vehicular access easement to the site.
18. The City of Dinuba requested conditions be imposed that requires all onsite and offsite improvements to be constructed to City Standards (including screening of all mechanical equipment and trash enclosures). Staff determined there was no essential nexus for those conditions to be imposed at this time and the Tulare County zoning and improvement standards will apply to the project. However, the following was included as a condition of approval: All future road improvements (street construction, curb, gutter, sidewalk, and street lights) shall be deferred until such time as the parcels to the east are developed. The County will prepare a long term deferred improvement agreement to be signed by the property owner prior to recording the Resolution. In the event that the City annexes the site, the long term agreement will be transferred to the City of Dinuba.
19. County Development Standards recommend one parking space for every three seats in places of assembly, such as churches. The applicant proposes 198 parking spaces for 552 seats in phase one and 150 parking spaces for 448 seats in phase two. This meets County Development Standards. The parking lot will be improved

and surfaced temporarily with decomposed granite, with paving anticipated within 12-18 months after use permit approval.

20. The subject site is located within Flood Hazard Zone C, which requires no specific flood avoidance measures.
21. The applicant proposes two bermed ponding retention lawn areas (22,000 sq. ft. each) on the east side of the property north and south of the drive entrance; a ponding basin (amphitheater) on the northwest portion of the property (10,127 sq. ft.) and a ponding basin (play field) on the southwest portion of the property (44,100 sq. ft.). These basins are to facilitate retention of storm water drainage on the site. The depression will be engineered, landscaped and maintained.
22. County Development Standards recommend that landscaping cover at least five percent of the net area of a commercial facility, the most similar use to a worship center. The City of Dinuba requires landscaping to be on an automatic watering system. The landscaping will be on an automatic watering system.
23. A public hearing was held by the Zoning Administrator on December 3, 2009, wherein the Zoning Administrator found that the Negative Declaration prepared for this project, was the appropriate environmental document, and thereby approved the Special Use Permit for the worship facility.
24. The time in which to seek judicial review of this decision is governed by Code of Civil Procedure section 1094.6.
25. A public hearing was held by the Board of Supervisors on March 2, 2010. The hearing was continued to March 16, 2010 to allow staff the opportunity to add conditions of approval as requested by the Board, to give staff time to inquire about the School District and sewer connectivity, and to allow the City of Dinuba the opportunity to express their concerns. The modified/added conditions are represented by COA numbers 13, 14, 15, 17 and 23.
26. At the continued hearing on March 16, 2010, the Board denied the appeal filed by Mr. & Mrs. Faria; accepted the Negative Declaration as the appropriate environmental document, and approved this Resolution with findings of fact and added/modified Conditions of Approval for Special Use Permit No. PSP 08-081 (ZA). Living Word Fellowship, for the establishment of a worship facility.
27. The Environmental Assessment Officer has approved a Negative Declaration for public review for the project, indicating that the project will have a less than significant environmental impact.

The Board of Supervisors hereby finds there is no substantial evidence that the proposed Special Use Permit will have a significant effect on the environment and determines that the Negative Declaration for said use permit has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 and that the Board of Supervisors has reviewed and considered the information contained in the Negative Declaration for the proposed project together with any comments received during the public review process prior to taking action on the Special Use Permit.

The Board of Supervisors, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

NOW, THEREFORE, BE IT DETERMINED AS FOLLOWS:

The Board of Supervisors of the County of Tulare hereby approves Special Use Permit No. PSP 08-081 (ZA), subject to the following conditions:

Standard Conditions of Approval for Special Use Permit:

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Board of Supervisors (ZA Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above, and in accordance with Section 18 (Minor Modifications-Director's Approval) of the Zoning Ordinance, the Planning and Development Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors as long as said modifications do not materially affect the determination of the Board of Supervisors. Such modifications shall be noted on the approved plans and shall be initialed by the Planning and Development Director.
3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
4. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
5. The conditions set down herein which require construction of improvements shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Board of Supervisors may grant exceptions to this condition upon request by the applicant.
6. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Board of Supervisors, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Board of Supervisors may grant one or more extensions of said two year time, upon request by the applicant.
7. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Board of Supervisors.
8. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time. Normally, an initial

review of compliance shall be conducted by the Tulare County Board of Supervisors twelve (12) months after the granting of said permit; however, the Board of Supervisors may schedule the review sooner under certain circumstances. Additional reviews may be undertaken at the discretion of the Board of Supervisors.

9. This Special Use Permit shall automatically expire and become null and void two (2) years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Board of Supervisors may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.
10. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, a Right to Farm Notice shall be recorded with the Resolution approving the special use permit. (Exhibit No. B)
11. A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, a \$130.00 payment, must be deposited into a Compliance Reporting and Monitoring Account prior to recordation of the Resolution. (See Exhibit No.C)

Planning Conditions:

12. Phase 2 of this Special Use Permit shall automatically become null and void five years after the date upon which Phase 1 is granted by the Board of Supervisors, unless the applicant, or his/her successor, has actually commenced Phase 2 within said five year period. Applicant can, however, apply for an extension of time if construction cannot be accomplished by the end of the five year period.
13. The parking lot shall be temporarily improved with decomposed granite with a chip slurry seal.
14. The entire parking lot shall be paved prior to or concurrent with Phase II of the project.
15. All underground infrastructure shall be completed during the first phase of this project.
16. The private driveway utilized to access the site shall be developed according to the City of Dinuba's standards.
17. The project shall be designed with the infrastructure necessary for hook up to City sewer once it becomes available; from any available hookup, within six months of availability, or as requested by the City.
18. The applicant shall notify all land owners, within a 300 foot radius of the property, two weeks prior to any outdoor amplified events/music events.
19. Noise levels on site shall not exceed 65 dB at property lines.
20. The maximum number of amplified outside events allowed per year shall be two, with a limit of three days per event.

21. The hours of operation for the events shall be 10:00 am to 10:00 pm. Clean-up activities shall be completed within an hour after the events.
22. When the parking lot is paved, landscaping shall be installed in accordance with the Site Plan and the Landscaping Plan.
23. The Landscaping Plan shall be modified to include fast growing evergreen trees or a fast growing evergreen hedge along the west 2/3rds of the south property line. The plants shall be at least five feet in height when planted.
24. All landscaped areas shall contain fertile, friable soils with adequate subsurface drainage, contain provisions for convenient irrigation in the form of hose bibs and/or sprinkler systems, and be permanently maintained in a neat and viable condition.
25. No landscape material shall be used that constitutes a threat to human safety, nor shall any landscape material be located in such a manner as to impair the vision of motorists or endanger the life and safety of pedestrians.
26. The landscaping plan shall include planting islands at the ends of each single row of parking.
27. The applicant shall limit signage to 1) one reader panel / bulletin board / digital display with 32 square feet and 2) one or two identification signs, with an aggregate area not exceeding 15% of the area of the front face of the building.
28. If, during construction or grading activities on the site, any resources of a historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Director certifies that appropriate recovery measures, if deemed necessary, have been completed.
29. Applicant shall record a deed which grants private vehicular access easement to the site from Road 72, prior to issuance of building permits.
30. All future road improvements (street construction, curb, gutter, sidewalk, and street lights) shall be deferred until such time as the parcels to the east are developed. The design of the street construction, curb, gutter, sidewalk and street lights shall be submitted to the City of Dinuba for approval, and the County of Tulare will have oversight. The County will prepare a long term deferred improvement agreement to be signed by the property owner prior to recording of the Resolution. In the event that the City annexes the site, the long term agreement shall be transferred to the City of Dinuba.
31. The applicants, at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of PSP 08-081 (ZA)/Living Word Fellowship or, at its election and in the alternative, shall relinquish such approval. The applicants shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicants, but subject to the County's reasonable approvals. The

applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicants of their obligations under this condition.

Health Services Department Conditions:

32. New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system design and installation. The specifications and engineering data for said system shall be submitted to the TCEHSD for review and approval prior to the issuance of a building permit.
33. Provisions shall be made to assure that all septic tanks and leach fields are located outside of the vehicular drive paths. Location of all primary systems, as well as the 100% replacement area, shall be clearly shown on the site plan and not be paved over.
34. If the facility sells or offers food to members of the general public, which does not include members of their congregation or invited guests, then the site is subject to the permit requirements of the California Food Code.
35. The applicant shall submit two sets of building plans for the food facility to the TCEHSD prior to issuance of any building permits.
36. Any out of service wells, septic tanks or underground fuel storage tanks shall be abandoned per Tulare County permit requirements.

Fire Conditions:

37. The applicant shall provide unrestricted, surfaced, year-round, all-weather fire department/emergency vehicle access with roads/driveways able to support fire apparatus.
38. Fire suppression pump shall be equipped with automatic power generation for activation should A/C power be interrupted.
39. Building construction shall comply with the latest approved California Building & Fire Codes (currently 2007 edition).
40. Fire protection for the sanctuary shall be provided by automatic sprinkler system or as deemed appropriate by the Tulare County Fire Department.
41. Fire protection shall be supplied from a City of Dinuba Fire Hydrant and additional on site (yard) Fire Hydrants as required by the Tulare County Fire Department.
42. The applicant shall post the address along Road 72, using 6-inch numerals on a contrasting background.

Engineering Conditions:

43. All on-site parking areas and driveways shall be surfaced for all-weather conditions and be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.
44. A Grading and Drainage Plan shall be prepared by a licensed Civil Engineer or licensed Architect and shall be submitted to and approved by the Resource Management Agency – Engineering Branch prior to the issuance of any building permits on the subject site. The Plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site. The Plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage.
45. A Letter of Certification shall be prepared by a licensed Civil Engineer or licensed Architect. The Engineer or Architect shall affix their stamp and seal to the Letter. The Letter shall serve as a means to notify the County that construction was completed according to the approved Grading and Drainage Plan / Erosion Control Plan. The Letter shall be submitted to the Tulare County RMA – Engineering Branch prior to the issuance of final occupancy permits.
46. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right-of-way of a County maintained road.

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____ March 16, 2010 _____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk