



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** September 15, 2011

**LOCATION:** Mendocino County Board of Supervisors Chambers  
501 Low Gap Road, Room 1070  
Ukiah, California

**COMMISSIONERS PRESENT:** Little, Calvert, Warner, Holtkamp, Hall, Ogle

**COMMISSIONERS ABSENT:** Nelson

**PLANNING & BLDG SVC STAFF PRESENT:** Ignacio Gonzalez, Director  
Roger Mobley, Chief Planner  
Dusty Duley, Planner II  
Fred Tarr, Planner II  
John Speka, Planner II  
Adrienne Thompson, Commission Services Supervisor

**OTHER COUNTY DEPARTMENTS PRESENT:** Tom Peters, Department of Transportation  
Terry Gross, Deputy County Counsel  
Dave Jensen, Division of Environmental Health

1. **Roll Call.**

The meeting was called to order at 9:00 a.m. Commissioner Nelson was absent.

2. **Determination of Legal Notice.**

The Clerk advised the Commission that all items had been properly noticed.

3. **Director's Report and Miscellaneous.**

Mr. Gonzalez presented a verbal Director's Report and noted that Russell Ford had been hired as a successor to Vale Wippert. He noted that the County's budget had been approved by the Board of Supervisors on Tuesday and that Planning and Building would remain unchanged by the current budget. Mr. Gonzalez advised that the Planning Commission would continue on the schedule of 1 meeting per month, but noted that several special meetings would be held during the year for the Zoning Code Update and Mendocino Town Plan (MTP). He discussed the need for early public outreach at the beginning of the process with 4 meetings in various locations around the County.

Commissioner Holtkamp asked if the Planning Commission would be holding any traveling meetings.

Mr. Gonzalez commented that the Department would be utilizing the Mendocino Historic Review Board for a majority of the meetings, but the Planning Commission would be traveling later on in the process to take public comment. He also noted that the MTP was an update not a complete rewrite and should take approximately 18 months to complete; also noting that the last update of the MTP was completed in 1992. Mr. Gonzalez noted that the Department was still pursuing grant funding to complete a Noyo Harbor Specific Plan, but that had not been budgeted for the upcoming fiscal year.

Commissioner Warner noted that the upcoming CCPCA conference speaker was Rick Miller.

Commissioner Holtkamp noted that she would like to receive any information available from various agencies that the County was a paying member, particularly those power points discussing water preservation and climate change.

7. **Matters from Commission.**

Commissioner Calvert requested the Commission take a moment of silence in honor of Jere Melo.

Chairman Little noted he had attended the memorial service on Saturday, which was well attended and a true tribute to Mr. Melo.

4. **Consent Calendar.**

4a. **CASE#: UM 1-2001/2011**

DATE FILED: 7/27/2011

OWNER: NEAL & JENNIFER NELSON TRUSTEE AND GREG NELSON

APPLICANT: RYAN JOHNSON C/O AT&T WIRELESS

AGENT: RYAN JOHNSON C/O AT&T WIRELESS

REQUEST: Use Permit Modification to attach six (6) panel antennas to an existing 72 foot tall wood pole using T-arms.

LOCATION: 6.3+/- miles south of the City of Ukiah town center, lying 0.2+/- miles east of State Highway 101, 1+/- mile north of its intersection with McNab Ranch Road (private), located at 7381 South Highway 101; AP# 186-240-01.

PROJECT COORDINATOR: DUSTY DULEY

Chairman Little noted that the project was being handled as any other modification and had not been given preferential treatment.

Mr. Duley agreed and stated that staff had been placing simple modifications on the Consent Calendar.

Upon motion by Commissioner Calvert, seconded by Commissioner Warner and carried by the following voice vote (6-0), IT IS ORDERED to approve UM 1-2001/2011 per the findings and conditions of approval contained in the staff report.

**General Plan Consistency Finding:** As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

**Environmental Findings:** The Planning Commission finds that the project is Categorically Exempt from CEQA, Class 1b.

**Project Findings:** The Planning Commission approves #UM 1-2001/2011 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not 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.
3. That such use preserves the integrity of the zoning district.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. As soon as practical following completion of any earth disturbance, vegetative ground cover equal to or better than existing shall be reestablished on all disturbed portions of the site.
2. Temporary erosion control measures shall be in place at the end of each workday and shall be maintained until permanent protection is established.

3. Any future generators shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBa at the nearest off site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation. If necessary generators shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences.
4. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.
5. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.
6. The total height of the pole including antennas will not exceed 72 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall perform a tape-drop to confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height.
7. Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
8. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.
9. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility operated by the applicant, above grade, shall be completely removed from the site.
10. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the applicant's equipment in the event that the applicant abandons operations or fails to comply with requirements for removal of equipment.
11. In the event that archaeological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. Prior to the final inspection by the Building Division, an identification sign for each company responsible for operation and maintenance of facilities at the site, not larger one square foot, shall be posted at a location from which it can be easily read from outside the perimeter of the communications facility, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall also be posted.
13. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
14. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter, the site shall be kept free of refuse.
15. The exterior surfaces of the antennas and equipment shelter shall have subdued colors and non-reflective materials selected to blend with their surroundings. The antennas shall be a light gray color to blend with the sky.

16. Prior to issuance of a building permit the applicant shall contact the County Division of Environmental Health as to the need to complete a Hazardous Materials Management Plan.
17. 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.
18. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
19. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from county, state and federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
20. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
  - a. That the permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which the permit was granted have been violated.
  - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

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

21. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
22. This permit is issued for a period of ten years, and shall expire on September 15, 2021. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date. Previous Use Permit entitlement #U 1-2001 and #UM 1-2001/2009 expiration dates shall be modified to September 15, 2021 as well.
23. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSENT: Nelson

5. **Regular Calendar.**

5a. **CASE#: CDMS 9-2004 (Continued from 3/17/2011)**

DATE FILED: 4/23/2004

OWNER: THOMAS & PENNY HONER

AGENT: AMY WYNN

REQUEST: Coastal Development Minor Subdivision of a 52.31 acre parcel to create two parcels containing 20.28 acres and a Remainder Parcel containing 32.02 acres.

LOCATION: Within the Coastal Zone, approximately 1.5 miles southeast of the Town of Mendocino, at the easterly terminus of Gordon Lane (CR# 404A), located at 44250 Gordon Lane; AP# 119-420-60.

PROJECT COORDINATOR: FRED TARR

Fred Tarr, Project Coordinator, noted the applicant had requested a continuance to perform a site view with the Department of Fish and Game, the Botanist, Department of State Parks and Recreation and the Native Plant Society, stating staff had no opposition to the request.

**Tom Honer**, applicant, stated that due to the scope of the onsite mitigation, he would need a few more months to complete the process and asked that the project be continued to March 15, 2012.

Upon motion by Commissioner Calvert, seconded by Commissioner Holtkamp and carried by the following voice vote (6-0), IT IS ORDERED to continue CDMS 9-2004 to the March 15, 2012 Planning Commission Agenda.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSENT: Nelson

**5b. CASE#: OA 2-2011 (Continued from 8/18/2011)**

OWNER: VARIOUS  
APPLICANT: DEPARTMENT OF PLANNING AND BUILDING SERVICES  
REQUEST: Amend the Mendocino County Zoning Code to add the Mixed-Use District as Chapter 20.086, Division I, Title 20 of the Mendocino County Code.  
LOCATION: All unincorporated areas within Mendocino County excluding the Coastal Zone.  
PROJECT COORDINATOR: ROGER MOBLEY

Roger Mobley, Project Coordinator, noted he had met with several property owners following the previous meeting and noted a concern with the potential annexation of the property. He noted that a meeting had been scheduled with the City of Ukiah to discuss their regulations and similarities to the Ordinance and asked that the item be continued to the October 20, 2011 Planning Commission meeting.

Upon motion by Commissioner Calvert, seconded by Commissioner Ogle and carried by the following voice vote (6-0), IT IS ORDERED to continue OA 2-2011 to the October 20, 2011 Planning Commission Meeting.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSENT: Nelson

**5c. CASE#: UR 51-78/2009 AND UM 11-99/2009 AND V 7-99/2009**

DATE FILED: 4/14/2009  
OWNER: DHARMA REALM BUDDHIST ASSOCIATION  
APPLICANT: JOHN CHU/DHARMA REALM BUDDHIST ASSOCIATION  
AGENT: JOHN CHU  
REQUEST: Renewal and modification of the original entitlement (U 51-78) to permit the existing City of Ten Thousand Buddhas (CTTB). This facility is used as an education and cultural center, religious training facility, retreat, bookstore, restaurant, as well as for residential occupancies. The modification of the conditionally approved "International Institute for Philosophy and Ethics" (IPE) granted under a separate use permit (U 11-99) and variance (V 7-99), but which has not yet been developed. This facility which would house a religious educational training facility on lands to the east of the existing CTTB campus is proposed to be modified by reducing the size and scope of the facility. However development potential reduced within the IPE would be added to the CTTB (approximately 83,000 square feet of new building potential and 275 of the potential resident population would be added to the CTTB from the IPE's granted project). The maximum total square footage of both projects would be 1,010,807 (already existing is 678,807) with a total maximum facility population of 1300. Overall, there would be no increase in square footage or population above what has been previously approved. The IPE project would be developed in phases over a 30 year period, and would include a 24,000 square foot addition to the existing Buddha Hall, a new 6,000 square foot Book Depository, upgraded and new wastewater treatment systems, and 53,000 square feet of unspecified future "contingency" growth area to be identified in the future. The requested variance to parking standards (V 7-99) would remain as granted.  
LOCATION: Southeast of Ukiah, in the community of Talmage, lying east of the intersection of State Highway 222 (Talmage Road) and East Side Road, located at 4951 Bodhi Way (formerly 2001 Talmage Road); AP#'s 181-150-02, 181-160-26, 181-160-27, 182-240-15, 182-240-16, 182-250-02 and 182-250-03.  
PROJECT COORDINATOR: NASH GONZALEZ

Nash Gonzalez, Project Coordinator, reviewed the staff report and discussed the history of the project. He stated that due to the complexity of the project, it had taken several years to clarify the project and prepare the report for the Commission. He noted the applicant had prepared a power point and would walk the Commission through issues. He noted that the applicant was reducing the overall project intensity, merging entitlements elimination and stated that staff had removed the date

for renewal, granting the use permit in perpetuity. Mr. Gonzalez further discussed the original request and proposed reduction that would allow the applicant to develop in phases. He noted the maximum population of the campus would be 1300, which was the current population and the existing variance to parking would remain unchanged. Mr. Gonzalez stated that the EIR that had been certified in 2001, including the statement of overriding considerations, had been used to prepare the Mitigated Negative Declaration for the reduced project, which was before the Commission. He stated that there were two independent entitlements; 1. to modify the approved permit for the eastern campus, reducing the development and establish new time frames for developing the property, and 2. to increase the western campus by 275, which is less than the reduced amount from the eastern campus modification, blending the amenities of the project for greater infill development. He stated that it was the complexity of the project and understanding the process that had taken so long to get to a hearing. He also noted that the after transferring the amenities between the west and east campus, the overall development would be reduced an additional 25% in square footage to the International Institute for Philosophy and Ethics (IIPE). Mr. Gonzalez commented that a majority of the modifications were as a result to public comment and concerns raised during the appeal of the original project approval to the Board of Supervisors in 2004 and that the applicant had worked to alleviate the concerns of the neighbors as much as possible, even though the Board had upheld the Planning Commissions approval of the project and denied the appeal. Mr. Gonzalez also stated that the reduction in development would reduce impacts to agricultural lands, wetlands and reduce tree removal as indicated in the original project. In closing, Mr. Gonzalez noted that the reduced development intensity allowed the County to "tier" off of the existing certified EIR to adopt a Mitigated Negative Declaration and approve the modification to the Use Permits and Variance, which would be tiered off of by the Regional Water Quality Control Board for additional wastewater permits.

Commissioner Holtkamp asked staff to explain what the variance to parking addressed and stated she was concerned with the "perpetuity" language should the property be sold.

Mr. Gonzalez deferred to the applicant for specifics regarding the variance to parking and stated that the entitlement went with the land, so if the property was sold, the use permit would stay with the land. He noted that should the property be sold, or a change in use take place, the parameters of the operation would need to be reviewed to see if the permit that was originally approved was appropriate or if a modification or new use permit were necessary.

Commissioner Warner noted on page PC 36-37 that the recommended motion was missing.

Mr. Gonzalez stated that staff recommended approval of a Mitigated Negative Declaration and would prepare specific language for the Commission to review.

**Amy Chang-Chien**, agent and mechanical engineer, introduced the design team and discussed her involvement with the project. She presented a power point of the project to highlight the previous 10 years of development and noted that the City of Ten Thousand Buddhas (CTTB) offered schools, a certified organic farm, had a recycling program, was improved with solar and had renovated over 100,000 square feet of building space thus far. She stated that the Temple had reached its maximum capacity and needed expansion, stating that the new approach was a better conceptual design that would increase infill development and reduce impacts to the environment by downsizing the total square footage of development 25%, saving the wetlands, not removing any trees and retaining a setback from surrounding vineyards of approximately 650 feet, which should address and mitigate the concerns raised by the public and Commission in the past. Ms. Chang-Chien read a section of the staff report on page PC 37, and stated that the applicant approved of the conditions.

Commissioner Holtkamp discussed the Variance to parking, noting the attendance for special events was estimated at 1500 individuals.

Ms. Chang-Chien stated that the variance was to reduce the number of parking spaces required on the east campus (IIPE) due to the number of spaces present on the west campus (CTTB), which was over 700 spaces. She also noted that the previous request in 2004 was for 20-30 parking spaces and the current design would provide for 107 parking spaces on the east campus.

Chairman Little noted he had been on the Commission during the previous project approval and the applicant at that time had stated that a majority of the individuals participating in the special event arrived by bus and that single vehicle use was discouraged.

Ms. Chang-Chien agreed and noted that the special events have occurred for the past 30 years and there has not been a problem to date.

Commissioner Warner asked if there were vehicles for individuals with special needs to use to get across campus.

Ms. Chang-Chien stated the CTTB had plans for an electric vehicle and noted there were access roads through the campus. She also stated that several nuns had electric wheel chairs to drive around the campus.

Commissioner Ogle noted she had met with the applicants and performed a site view of the property.

The public hearing was declared open.

**Wallace German** stated he was not against the project, but felt the neighbors should be allowed to develop agricultural lands in the same manner as the Buddhist had proposed on this project.

**Kate Collins**, owner of Gia Energy, stated she had worked with the CTTB to install solar and discuss renewable energy. She felt it was important to note that the applicant had chosen to use local contractors and stated Amy Chang-Chien was a pleasure to deal with, always in contact and an asset to community. She stated the CTTB provided some much needed diversity to Mendocino County.

**Vicki Sangiacomo**, neighbor on Guidiville Road, submitted a letter to the Commission and stated she was opposed to the project because it relied on a previous EIR and she felt significant changes had taken place that require new studies. She also felt that the applicant had filed their request for renewal after the original use permit was expired.

**Jody Sangiacomo** stated he was not opposed to the project, but stated no development should occur in the wetlands. He also felt a new analysis should be performed and thought it was a violation of CEQA to approve a modification from past analysis.

**Corry Sangiacomo** was opposed to the project and felt the scope of project was too vague to approve. He felt the development presented a significant impact to agricultural lands.

**Barbara Waugh**, Guidiville Road resident, stated she supported the project and CTTB. She noted the Buddhist's had been excellent stewards of the land and had renovated numerous buildings. She felt the CTTB were dedicated to being good citizens of the community.

**Juan Alvarez**, Talmage Road resident, felt the CTTB was a positive place, but was concerned with increased traffic across from his house. He discussed an incident where EMS crews arrived at his neighbors house early one morning and stated traffic had been backed-up for blocks. He was also concerned with potential sewer impacts.

**Laura German** was opposed to the project and felt the setback from agricultural operations and wetlands was not enough. She thought the school was a wonderful idea, but did not agree with development near natural habitat.

The public hearing was declared closed.

Commissioner Calvert asked for clarification of where the German's property was after the break.

[Break 10:40 AM – 10:51 AM]

Ms. Chang-Chien clarified the building square footage from the power point on the overhead display. She stated that the 53,000 square foot addition to the west campus was not recommended for

approval. She also noted that the applicant was required to perform a traffic study before and after development and if the numbers deviated from the estimates, the County had the ability to impose further mitigations.

**Tom Hise**, architectural consultant, discussed the slides detailing the covered walkways and site plan, noting the location of the wetlands and the valley oaks that would no longer be removed.

Mr. Gonzalez noted that the permit renewal had been submitted in December 2008, but the expiration was not until February 2009. He noted it was Department policy to accept the applications and hold a project to the current approved conditions while a renewal was processed. He further stated that more information was requested of the CTTB in April 2009 by the Chief Planner at the time and those clarifications had led to further discussions due to the complexity of the issues. Mr. Gonzalez discussed the provisions of CEQA that allowed a reduced project to use a previous EIR for approval of a Mitigated Negative Declaration. He stated if there had been an intensification of the project, either a new EIR or an addendum to the EIR would be required.

Commissioner Warner was confused about the numbers and what was previously approved.

Ms. Chang-Chien noted slide, which showed the current square footage of the west and east campus currently and what was proposed.

**Chin-Wei** noted the 53,000 square foot reduction in the project, which was not recommended for approval.

Ms. Chang-Chien continued with the current population numbers and stated the overall population would not be increased, but the distribution was shifted from the east campus to the west campus by 275 individuals.

Mr. Gonzalez noted Condition #B2 on page PC 47, which stated the maximum population could not exceed 1300 individuals. He also noted Condition #B3 on page PC 48 would ensure that building would happen within the next 25 years.

Staff clarified for the Commission the location of Mr. & Mrs. German's parcel as the Williamson Act parcel to the east of the CTTB.

Commissioner Ogle asked if any updates to the General Plan or any other land use document would be applied to the project after approval.

Mr. Gonzalez noted that the applicant would be held to whatever building codes applied at the time of submittal, but the General Plan policies would only apply to the use permit as approved at the present time. He noted the only way to apply new standards would be if the applicant applied for a modification that would intensify the development; then the permit would be reviewed under current guidelines for that time.

Commissioner Ogle asked how long the applicant had to begin work once a building permit had been pulled.

Mr. Gonzalez noted that once a building permit had been issued, the applicant would have 1 year to start the project and call for their first inspection and must have an inspection every 6 months after that to keep the permit active or it would expire.

Commissioner Ogle asked about the timing of construction of the wastewater treatment plant.

Mr. Gonzalez deferred to the applicant for further explanation, but noted that Regional Water Quality Control Board (RWQCB) may have a threshold for service.

Ms. Chang-Chien noted that the application had been submitted to RWQCB to upgrade the facility, but also the Division of Environmental Health (EH) would be reviewing the application during the building process and permits could not be issued without EH approval.

Commissioner Calvert discussed page PC 56 and the presence of serpentine soil types.

Mr. Gonzalez believed the small section of serpentine soils was not in an area of development, but noted a condition could be added at the Commission's discretion.

Ms. Chang-Chien also noted that the soils reports did not identify serpentine soils in the construction area.

The Commission compared page PC 56 to Exhibit A to reference the building locations to the serpentine soils map.

Mr. Gonzalez crafted condition language to add to Condition #29 J that "Should asbestos be encountered during construction, the Air Quality Management District shall be consulted and further review conducted to ensure that areas of naturally occurring asbestos are not disturbed and the potential hazards are mitigated."

Chairman Little provided a recap of the information that had been presented to the Commission to make sure everyone was on the same page. He discussed the project history, beginning with the previous approval and certification of the EIR, the appeal to the Board of Supervisors and the Supervisors decision to uphold the Planning Commission's approval and deny the appeal. He noted the reduced development and project intensity by shifting development from the east campus to the west and utilizing infill development.

Commissioner Calvert suggested modifying Conditions #24C and #25 to replace "should" with "shall" to ensure compliance and noted a typo in Condition #63, to remove "by" and Condition #B1 to add an "e" to envelop.

Mr. Gonzalez suggested the following language as the Recommended Motion for the Planning Commission:

**ENVIRONMENTAL RECOMMENDATIONS:**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), Section 15153 provides that the lead agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of Environmental Impact. Further, the lead agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same.

Further, an EIR prepared for an earlier project may also be used as part of an Initial Study to document a finding that a later project will not have a significant impact.

When an EIR has been certified and a Mitigated Negative Declaration adopted for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines one is necessary on the basis of substantial evidence presented in light of the whole record.

Based on the provisions of CEQA cited, the Planning Commission finds that the analysis that the EIR prepared for the former design and this new assessment of the redesign have adequately addressed present day environmental concerns that can be identified. Pursuant to the provisions of CEQA and this assessment, the Planning Commission adopts a Mitigated Negative Declaration.

**GENERAL PLAN CONSISTENCY:**

The Planning Commission further finds that the project is consistent with the applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**Project Findings:**

The Planning Commission approves UR 51-78/2009, UM 11-99/2009 and V 7-99/2009 subject to the conditions of approval as recommended in the staff report on pages PC 38 through PC 49 further finding;

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing on 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 the general welfare of the County.
3. That such use preserves the integrity of the Zoning District.
4. That the requested 53,000 square feet of space considered future "contingency" growth is not approved as part of this entitlement.

Upon motion by Commissioner Ogle, seconded by Commissioner Holtkamp and carried by the following roll call vote (6-0), IT IS ORDERED to approve UR 51-78/2009 and UM 11-99/2009 and V 7-99/2009 per the findings and conditions of approval as recommended by staff, modifying Conditions #24C, #25, #29J, #63 and #B1 per the previous discussion.

**ENVIRONMENTAL RECOMMENDATIONS:**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), Section 15153 provides that the lead agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of Environmental Impact. Further, the lead agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same.

Further, an EIR prepared for an earlier project may also be used as part of an Initial Study to document a finding that a later project will not have a significant impact.

When an EIR has been certified and a Mitigated Negative Declaration adopted for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines one is necessary on the basis of substantial evidence presented in light of the whole record.

Based on the provisions of CEQA cited, the Planning Commission finds that the analysis that the EIR prepared for the former design and this new assessment of the redesign have adequately addressed present day environmental concerns that can be identified. Pursuant to the provisions of CEQA and this assessment, the Planning Commission adopts a Mitigated Negative Declaration.

**GENERAL PLAN CONSISTENCY:**

The Planning Commission further finds that the project is consistent with the applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**Project Findings:**

The Planning Commission approves UR 51-78/2009, UM 11-99/2009 and V 7-99/2009 subject to the conditions of approval as recommended in the staff report on pages PC 38 through PC 49 further finding;

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing on

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 the general welfare of the County.

3. That such use preserves the integrity of the Zoning District.
4. That the requested 53,000 square feet of space considered future "contingency" growth is not approved as part of this entitlement.

**RECOMMENDED CONDITIONS:**

**A. Conditions which must be met prior to issuance of building permits, and for the duration of this permit:**

**Site Development (SD):**

1. Prior to final project design, a design level geotechnical investigation shall be conducted by a licensed geological engineer. The engineer shall specify the design criteria for project roads, foundations, retaining walls, and drainage facilities. The engineer shall establish setbacks from active landslide areas. The report shall establish criteria for site grading and cut-and-fill operations. It is further required that the study include trenching across any fault identified in the course of the project level geotechnical study to corroborate the conclusion that it is not active. If active faulting is discovered, the geologic engineer shall establish development setbacks. The criteria set forth in these investigations will be considered conditions on the project and must be implemented as a Condition of Approval.
2. Once detailed project plans are developed, a complete grading plan shall be prepared to be consistent with the recommendations made by the geologic engineer. The plan shall be prepared by a registered civil engineer, and it shall meet all the requirements for a Grading Permit as established by the County of Mendocino. The plan shall detail measures required to insure that all grading and cut-and-fill operations are stable and not subject to erosion.
3. The geologic engineer shall provide design criteria for the detention basins appurtenant to the IPE including standards for basin grading, dam construction, and basin wall construction.
4. The detention basins appurtenant to the IPE and road shall be constructed per the design recommendations prepared for the design level geotechnical study recommended above under Condition Number A-SD-1. (*To be met prior to occupancy of the facility*).
5. New on-site drainage conveyance facilities shall be designed for the ten-year recurrent interval storm capacity but shall not be overtopped during the 100-year flow event. To assure proper long-term operation and maintenance of the drainage facilities, a drainage system operational plan shall be developed. The plan shall outline routine maintenance needs and designate a responsible party to oversee operations and maintenance requirements. The plan shall be approved by the Mendocino County Department of Transportation.
6. A design level hydrologic analysis of the timing effects of on-site detention shall be conducted prior to development of the IPE. If the analysis determines that on-site detention is warranted, and it does not exacerbate downstream flooding, the following criteria shall be used for the design of detention Basin B:
  - Based on the size of the Mill Creek watershed, the basin shall be designed to maintain peak discharge rates at the pre-development level for the 25-year design storm.
  - The basin shall be constructed with an emergency spillway with the capacity to pass the 100-year storm while maintaining one foot of freeboard.

The Mendocino County Department of Transportation shall determine, on the basis of the design level hydrologic analysis, whether detention basins are required or not and shall approve the design if the basin is warranted.

7. The following criteria shall be used for the design of the sedimentation Basins A and C located in proximity to the IIPE to optimize water quality benefits:
  - The basins shall be outside the 25-year floodplain.
  - The basins shall have a minimum average depth of two feet, and an optimal depth of three to six feet, to optimize sedimentation.
  - Emergent wetland vegetation such as reeds, tule and cattail should occupy at least 25 percent of the water surface area.
  - Adequate energy dissipation shall be provided at the basin inlet and outlet.
  - Basins A and C shall be sized to adequately convey runoff from the 25-year storm event.
  - The sedimentation basins shall be designed with access for routine cleaning.
8. A final drainage plan for the IIPE project shall be prepared by a qualified civil engineer. This plan shall include improvements to the existing culvert beneath Guidiville Road and the drainage channel between the culvert and detention Basin C to ensure that there will be no flooding of the project building complex.
9. The emergency access road required by Condition Number A-ES-1 shall be constructed above the 25-year flood elevation. *(To be completed prior to final occupancy)*
10. For the IIPE project, the applicant shall obtain a General Construction Permit from the North Coast Regional Water Quality Control Board (NCRWQCB). This permit will establish final requirements and Best Management Practices for controlling project erosion. The geotechnical report required for Condition A-SD-1 shall include an erosion control plan. This plan shall meet all requirements established by the RWQCB and shall include at least the following:
  - a. Grading should be completed prior to the onset of the rainy season (i.e., completed by October 1 of any year). All bared soils will be stabilized by October 15 of any year.
  - b. The plan shall ensure that eroded materials do not directly or indirectly enter any drainages. Finished grading shall include provisions to prevent over-side flows, and provide full vegetative planting and other slope protection to control erosion. Minimally, bared earth should be treated with interim seeding with a grass mix in conjunction with netted straw mulching or its equivalent. Inlets to the storm drain system shall be fitted with straw bales or filter fences during construction. Any open drainage swales shall be constructed with stabilized, vegetated, or lined banks. Other possible control measures include:
    - Keep the length and gradients of constructed slopes as low as possible.
    - Prevent runoff from flowing over unprotected slopes.
    - Keep runoff away from disturbed areas.  
Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences.
    - Direct runoff over vegetated areas prior to discharge into the public storm drain system.
    - Use landscaping and grading methods that decrease the potential for downstream sedimentation.
  - c. During the installation of the erosion and sediment transport control structures, a monitor shall be on the site to supervise the implementation of the designs and the maintenance of the facilities throughout the grading and construction period. The County shall be provided a monitoring report of the implementation of the plan as needed. *(To be completed prior to occupancy)*
  - d. The applicant shall be responsible for the removal and disposal of all sedimentation in check dams, retention ponds, siltation fences, or other facilities used to capture sediments on site. *(To be completed prior to occupancy)*

- e. The effectiveness of the erosion control measures shall be monitored by the applicant's engineer, with a minimum of annual reports provided to the County, for at least five years after completion of the project and final stabilization of site soils.

**Biological Resources and Landscaping:**

11. In designing and constructing the new grades, the applicant's engineer shall work with an arborist to ensure that the trees are protected. Additional soil shall not be placed within the dripline of the trees. Any cuts within the root zone of the trees shall be overseen by the arborist who will be responsible for appropriate root pruning. The dripline area of the trees shall be protected by fencing during construction to ensure that construction activities do not occur within the primary root zone. No excavation, fill or structures shall encroach within the dripline. Drainage and landscape plans shall be designed to minimize disruption of the soil moisture characteristics near these trees.
12. For each of the oaks removed for new development, three new oaks shall be replanted. Given the increasing rarity of valley oaks, it is recommended that valley oaks be emphasized, but a mix of live oaks and blacks oaks should be included. The trees shall be fenced, irrigated, and fertilized as necessary to ensure survival. The County shall monitor the trees at the end of every two-year period for a period of not less than six years. If the planted trees do not survive, then the applicant shall be required to plant additional trees until the replacement target is met.

To the degree possible, new oaks should be planted in the area between the project and Guidiville Road. The trees may be planted along any new wetlands or drainages constructed in this area so as to duplicate the wetland/oak woodland ecosystem existing within the area to be disturbed.

13. Prior to tree removal for any new development, a qualified wildlife biologist shall survey the trees scheduled for removal to determine if there are any nesting special status species of birds nesting in the trees. If such nests are found, the trees shall not be removed until the completion of the nesting season, as determined by a wildlife biologist.
14. Project landscaping shall focus on using species that are native to the project area, including oaks, madrones, California bay, Manzanita and other native shrubs, and native groundcovers. For instance, the hydroseeding erosion control mix shall include virtually all native grasses and wildflowers.
15. Septic disposal field design shall be developed with the input from a Certified Arborist. To the maximum degree feasible, trenching shall avoid disturbance of roots of trees as well as the trees themselves. A Certified Arborist will monitor trench construction to cut and treat any major roots that are encountered. All other recommendations set forth by the arborist during septic disposal field design and construction shall be implemented.
16. During construction within 50 feet of the identified wetland, a combination of construction fence and silt fence shall be installed around the construction impact zone to indicate the limits of ground and vegetation disturbance. The barrier/s shall be constructed in a manner that precludes access to areas beyond the construction impact zone by humans and equipment. No grading, placement of fill material, or other ground disturbance or material placement shall occur beyond the fencing. The temporary fencing shall be maintained in place until construction activities are finished.
17. All work for the processional path within 50 feet of the wetland shall be done without the use of heavy mechanical equipment.
18. All work within 50 feet of the wetland area shall be done under the supervision of a qualified wetland biologist.
19. All activities that require substantial ground disturbance shall take place during the dry season (April 15 through October 31) to minimize erosion impacts. The only construction related activities allowed outside the dry season are planting and activities that do not result in ground disturbance or construction vehicle access to unpaved areas.

20. Areas of disturbed soil shall be mulched, seeded, or planted and covered with vegetation as soon as possible after disturbance, but no less than one hundred percent coverage within 90 days after seeding. Mulches may be used to cover ground areas temporarily. Erosion control seeding shall consist of native, non-invasive seed mix that will not adversely impact the adjacent wetland. Existing native vegetation shall be maintained in the construction impact zone to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques
21. In doing construction within the wetland area, plastic mats, measuring four feet by eight feet by ½ inch shall be utilized at the project site in sufficient numbers and appropriate manner to protect the onsite soils and wetland vegetation during project activities. Any rare plant or wetland vegetation removed or damaged by project activities shall be replaced at a minimum 1:1 ratio
22. It shall be the responsibility of the applicant to provide a copy of the mitigation measures outlined in this report as recommended by the consulting botanist, DFG, and planning staff, prior to construction activities, to any contractors, organizations, or volunteer groups engaged to perform work on the site in order that they are fully aware of the conditions of this permit and that all work performed is in compliance with all applicable mitigation measures and conditions. The significance of the flagging and temporary fencing shall be explained to all parties accessing the construction area. All contractors and subcontractors shall be required to have a copy of these mitigation measures on hand whenever on the site.
23. New landscaping should focus on the use of native trees and shrubs which provide wildlife habitat.
24. To further reduce the visual impacts of the project, the following measures are required:
  - a. Landscape planting within the buffer between the project and Guidiville Road shall utilize a variety of trees and shrubs to achieve visual diversity. The depth of the buffer offers an opportunity to incorporate species and spatial elements of value to wildlife into landscaping design for visual screening of the site. Every attempt should be made to avoid the monotonous straight line plantings of single species.
  - b. All project lighting shall be shielded so as to not throw light beyond the project boundaries.
  - c. Any night lighting required for safety or security purposes ~~should~~ **shall** be shielded from adjacent residential areas.
25. Project landscaping ~~should~~ **shall** use species that are fire resistant and be maintained (trimmed, watered, etc.) to prevent such vegetation from acting as a conduit for fire access and spread to buildings.
26. Project landscaping should include the use of deciduous trees that can be used to cool buildings during the hot time of the year. The use of pavement should be minimized.
27. Required landscaping for the East Campus shall be installed prior to occupancy of the first structure completed for the project.

**Air Quality:**

28. The applicant shall notify the Mendocino County Air Quality Management District (AQMD) when a decision is made regarding the choice of heating for the new construction project. Woodstoves will be allowed only if the AQMD determines there will not be a significant cumulative air quality impact. If wood heating devices are proposed, they must comply with 40 CFR Part 60 Subpart AAA "Standards of Performance of Residential Wood Heaters." These woodburning devices shall only be allowed if approved by the District after reviewing a cumulative air quality analysis performed at the time the applicant notifies the District. The District will be notified if any on-site power generation facilities are planned, and the applicant will obtain all required District permits for such facilities.
29. The following mitigations shall be provided during the construction period for the project:
  - a. Construction contracts shall specify dust mitigation requirements.

- b. Contractors shall provide equipment and personnel for watering all exposed or disturbed soil surfaces at a frequency sufficient to avoid visible dust plumes. An appropriate dust palliative or suppressant, added to water before application, should be utilized, if necessary.
- c. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously-graded areas that are inactive for 10 days or more).
- d. Suspend earth moving or other dust-producing activities during periods of high winds when dust control efforts are unable to prevent visible dust plumes.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- f. Sweep construction area and adjacent streets of all mud and debris, since this material can be pulverized and later suspended in the air by vehicle traffic.
- g. Limit the speed of all construction vehicles to 10 miles per hour while on unpaved surfaces.
- h. Cover all hauling trucks or maintain at least two feet of freeboard. Dust-proof chutes shall be used as appropriate to load debris onto trucks during demolition.
- i. Replant vegetation in disturbed areas as quickly as possible.
- j. Should asbestos be encountered during construction, the Air Quality Management District shall be consulted and further review conducted to ensure that areas of naturally occurring asbestos are not disturbed and that potential hazards are mitigated.

30. The construction phases of this project shall comply with all regulation regarding future air quality standards that may be applicable at the time of permit issuance. Best Management Practices shall be implemented throughout the development phases of this project to insure that impacts to overall air quality and climate related effects are minimized.

**Traffic:**

31. The applicant shall reach an agreement with the County and Caltrans regarding a before and after evaluation program of the pavement along Talmage Road. The program shall be designed to determine whether the IIPE project truck traffic causes pavement deterioration. The project applicant shall be responsible for repairing any project-induced pavement deterioration.
32. A deed restriction on the title of the property shall be added to state that any future owner or use of the property will be restricted to the parking currently available on the CTTB or constructed as part of the current project application. Requests for the construction of additional parking shall undergo environmental review and County approval.
33. Handicapped parking spots will be designated in the portion of the parking lot nearest the IIPE project entrance. The County will determine the number of required parking spaces.
34. During special events, when buses depart the CTTB, drivers shall be instructed to leave the CTTB grounds at intervals of 2 minutes or greater. This will likely require monitors stationed at the main access gate

**Noise:**

35. The County shall require the applicant to complete phases of the project within a reasonable period of time in order that construction noise does not occur over a long period. The applicant shall prepare a construction schedule for County approval. The County Department of Planning and Building Services will determine how long each phase of construction would normally take to complete in reviewing and approving the schedule. The schedule shall ensure that each discrete phase of the project is completed within the defined period of time.

36. The applicant shall notify neighbors within 1500 feet of the construction site of the construction schedule writing within 90 days of issuance of the first construction permit. Subsequently, a construction schedule will be provided to the neighbors each six months.
37. Limit noise-generating construction activities, including truck traffic coming to and from the site for any purpose, to daytime (7:00 a.m. to 6:00 p.m.), weekday, non-holiday hours.
38. To minimize impacts from construction noise generated by the project, the following mitigations shall be implemented:
  - a. Properly muffle and maintain all construction equipment powered by internal combustion engines.
  - b. Prohibit unnecessary idling of internal combustion engines.
  - c. Locate all stationary noise-generating construction equipment, such as air compressors, as far as practical from nearby residences. If feasible, shield this equipment from the nearest residences.
  - d. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
  - e. Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and would require implementation of reasonable measures to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

**Water and Wastewater:**

39. Well(s) plus the water system shall be developed to meet County Department of Public Health and State Department of Health Services, Drinking Water Field Operations Branch requirements. These requirements will include at least the following:
  - a. The applicant shall comply with all State laws applicable to public water systems, including, but not limited to, the California Safe Drinking Water Act as contained in Division 104 of the California Health and Safety Code, and any regulations, standards, or orders adopted there under.
  - b. The applicant shall obtain permit approval from the State Division of Health Services, Drinking Water Field Operations Branch for a new well.
  - c. The operation and monitoring of the water facilities shall be in conformance with all requirements set forth by the State Division of Health Services, Drinking Water Field Operations Branch.
  - b. Other water treatment and supply plans can be implemented provided that they are no less effective than the plans in the EIR, have a negligible effect on other wells in the area and the regional aquifer and meet the approval of the Department of Health Services Drinking Water Division.
40. Final design of the wastewater treatment, collection, and disposal system shall be prepared by a Registered Civil Engineer. The design shall meet all requirements established by the Mendocino County Department of Public Health and the North Coast Regional Water Quality Control Board including but not limited to compliance with the Water Quality Control Plan for the North Coast Region (North Coast Basin Plan).
41. If dining facility waste is anticipated to be high-strength (i.e., high in oil and grease), then strict source control measures shall be implemented in the kitchen facilities to minimize the disposal of oils, greases, and excess food scraps into the wastewater system. Under-sink grease traps and aerated pre-septic tank grease interceptors are recommended to further reduce the introduction of oils and greases into the waste stream. A pre-treatment unit for the kitchen waste stream, such as the "Nibbler" unit for a FAST

system should be considered in the initial design or allowed for as a possible future addition based upon wastewater monitoring.

42. After blending of domestic and kitchen wastewater streams, pre-treatment is required via a recirculating sand filter (RSF) or an equivalent treatment process. A RSF is a technique that involves intermittent application of septic tank effluent to a bed of sand which aerobically pre-treats the effluent before distribution to the leach field. The RSF recirculates the effluent from the sand filter back to a recirculation tank several times before distribution to the leach field. The RSF treatment removes suspended solids and BOD and enhances nitrogen removal. The use of a RSF reduces the amount of area needed for the leach field
  - a. Design level studies shall be conducted to determine the final sizing of the RSF (or alternative) treatment system to assure that the loading rate is appropriate for the expected (or documented) wastewater strength and nutrient concentrations, as measured by the biochemical oxygen demand (BOD). There is adequate space (estimated to be 15,000-20,000 square feet) for constructing the RSF on the site. The final site for the RSF must be determined at the design level. The applicant shall obtain design approval by the County and the North Coast Regional Water Quality Control Board for use of the RSF or alternative treatment.
43. On-site wastewater disposal systems with domestic flows exceeding 1,500 gallons per day must be reviewed by the North Coast Regional Water Quality Control Board (NCRWQCB) for the possible establishment of waste discharge requirements. It is assumed that such discharge requirements will be established for this project given its size. A condition of issuance wastewater discharge requirements for such large projects is the requirement to meet established water quality objectives, to conduct monitoring of system performance and operations, and to submit compliance monitoring reports to the Regional Water Board and County.
  - a. The monitoring is intended to keep track of such things as wastewater flow rates and volumes, treatment effectiveness, disposal field performance and conditions, and downstream/downgradient water quality measurements at monitoring wells or surface drainage points. Daily, weekly and monthly monitoring requirements are likely to be required to monitor system performance at various levels of occupancy. If monitoring indicates the need to make adjustments to the facility or increase capacity, the applicant will be required to implement these improvements as determined by the County or the NCRWQCB.
44. To provide adequate treatment and disposal capacity for large events (peak flows may be as high as two times the average flow of 60,000 gpd for short time periods), one or some combination of the following are required:
  - a. Provide surplus "surge" storage capacity in the septic tanks by having the tanks pumped prior to a major event.
  - b. Operate the treatment unit at a higher loading rate for short periods with a concomitant decrease in treatment efficiency.
  - c. If both primary and replacement septic disposal areas are constructed, use the "resting disposal fields" for short, peak-use periods.
  - d. A recirculating sand filter (RSF) or equivalent facility will be required for CTTB use of Leach field D as well as the project wastewater facilities. The RSF or equivalent facility will be designed to meet all requirements established by the Mendocino County Department of Public Health and the North Coast Regional Water Quality Control Board.

**Emergency Access:**

45. An emergency access road connecting the IIPE building complex to Guidiville Road north of the North Fork of Mill Creek shall be required. The design and construction of the road shall be reviewed and approved by the responsible fire agency. The encroachment of this road onto Guidiville Road shall be reviewed and approved by the Mendocino County Department of Transportation. The emergency access

shall be gated and will not provide public access to the site. All construction hauling and grading equipment will access the site via Talmage Road.

46. The emergency access road shall, at a minimum, be a surfaced road capable of supporting a fire ladder truck in all seasons. The road through CTTB shall also meet this criterion. Provide a knox box (key box) at the gate to the Guidiville Road access and to any and all gated roads providing access to any and all portions of the CTTB. All knox boxes shall contain a key as specified by the District Fire Chief for use by emergency fire, medical, and law enforcement personnel. Keybox access will also be made available to the Sheriff's Department to maintain the security of the site.
47. Provide for adequate turning movements for emergency equipment at the intersection of the emergency access road and Guidiville Road. This may require improvements to the County road at the intersection. Such improvements shall meet the requirements of the UVFD. The project applicant will be responsible for the costs of any improvements.
48. The road leading from Guidiville Road to the project and from Talmage Road through the CTTB to the project shall be constructed and maintained per all UVFD requirements.

**Emergency Services:**

49. Water delivery and storage systems shall be able to provide a fireflow equivalent to 2,000 gpm for two hours or as may be required by the applicable fire code standards at the time of construction. DRBA liaison personnel shall develop monitoring schedules, procedures, and documentation in cooperation with UVFD staff of the above systems. Access shall be provided to the monitoring data and the water system on request by UVFD staff for the purpose of inspection and/or testing of fire-fighting systems and equipment.
50. Hydrants shall be sited and constructed per the requirements established by the UVFD.
51. All building construction and water delivery system construction shall meet Uniform Fire Code and applicable UVFD requirements.
52. An automatic sprinkler system shall be installed in all newly constructed buildings based on the reported fireflow of 2,000 gallons per minute for two hours or as may be required by the applicable fire code standards at the time of construction. Fire alarms, portable fire extinguishers, fire-hose reels, and other fire protection methods will be provided as required by the Uniform Fire Code and UVFD requirements.
53. All roadways within the project site will be Fire Apparatus Access Roads. Every new building, or portion of a new building, shall be located within 150 feet as measured by an approved route around the exterior of the building or facility. Fire Apparatus Access Roads shall have an unobstructed vertical clearance of not less than 13.5 feet, a width of at least 16 feet, appropriate turning radii (as identified by UVFD), and shall be designed with a surface that provides all-weather driving capabilities. Dead-end Fire Apparatus Access Roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
54. Booster pumps shall be installed at the water storage tanks to ensure a minimum fireflow of 2,000 gallons per minute for two hours or as may be required by the applicable fire code standards at the time of construction. The storage tanks, water delivery system, and hydrants shall be maintained free of leaks and failures throughout the CTTB and the project site. Monitoring procedures shall be developed for UVFD approval for both the storage and delivery systems.
55. The applicants shall negotiate with UVFD to provide the fire and emergency protection services and pay financial mitigations necessary to offset the increased demand for fire and emergency services prior to final approval of the building permits for those projects. In the case that an agreement cannot be reached prior to final approval, the County will have the authority to impose an acceptable fee.
56. The applicant shall confer with the Sheriff's Department concerning street name signing, building identification maps, and lighting for the Bodhi Way access and the Academy. The applicant shall provide the Sheriff's Department with a detailed map showing all internal streets and buildings.

57. The applicant shall cooperate with MESA to expand and upgrade the existing Emergency Operations Plan. At least the following changes shall be required:
- a. The plan shall be updated per the recommendations of MESA. It should incorporate the *Individual and Family Disaster Planning Guide*, the *Captain's Guide*, and a school *Emergency Plan*, all of which are produced by MESA.
  - b. Although general guidelines and assignment of tasks are reasonable and clear, specific procedures and responsibilities need to be elaborated. For instance, the assignment of maintenance personnel should include a map of critical features such as shut-off valves and emergency equipment locations. Detailed descriptions and maps would provide the organizational redundancy to allow tasks to be accomplished by other than the assigned group warranted by the situation.
  - c. Additional emergency response training should be ongoing under the auspices of the Ukiah Valley Fire District. In addition, a regular monthly review of the Emergency Operations Plan should be conducted for all staff and personnel involved in areas of responsibility for emergency management. This review should include drills and instruction for students on all required actions and evacuation procedures.
  - d. Discussion of measures to be taken in case flooding in the Talmage area closes access roads to Highway 101 or Ukiah.

**General/Administrative (applicable to all improvements):**

58. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2094.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to September 30, 2011. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility for timely compliance.**
59. All new structures shall be constructed to meet the appropriate seismic requirements in the California Building Code and County Building Code requirements.
60. Should any work require modification or impact to the edges of the any existing water course, the application shall enter into a Streambed Alteration Agreement with the California Department of Fish and Game. The applicant shall abide by all conditions set forth in that agreement.
61. Should any work require modification or impact to the edges of the any existing wetland, the application shall comply with all requirements established in the wetland fill permit received from the U.S. Army Corps of Engineers.
62. As required in the permit received from the Army Corps, the applicant shall obtain Section 401 water quality certification or a waiver from the RWQCB. The applicant shall abide by any additional requirements or conditions established by the RWQCB.
63. The applicant shall submit a statement to the Department of Planning and Building Services that states that the applicant recognizes the presence of adjacent farming operations and that these operations may cause occasional inconvenience or discomfort arising from agricultural practices which occasionally generate noise, dust, smoke, an odors. Further, the applicant agrees not to lodge any form of complaint or lawsuit against the adjacent landowners regarding these impacts typically generated by agricultural operations. (Note: This condition was already met by under the 2002 permit, but is requested to be affirmed at this time)

64. All new structures shall be handicapped accessible, and parking areas shall be developed to include a minimum of one parking space for every 25 spaces required.
65. The applicant shall agree to conduct strict recycling of all paper products, glass, metal, recyclable plastics and styrofoam, and landscaping/yard wastes.
66. The landfill shall be protected per the final requirements established by the County of Mendocino and the Regional Water Quality Control Board. At least the following measures shall be taken.
  - a. All exposed debris (e.g., metal objects, processed wood, tree stumps, etc.) shall be removed and disposed of at an appropriate waste disposal facility.
  - b. The side slopes and any other disturbed areas at the old dump site shall be compacted to eliminate voids and increase stability. A bulldozer or compactor may be used to accomplish this task.
  - c. Two feet of clean fill soil shall be placed over the entire surface of the burn dump. The fill soil may be obtained from grading performed as part of the project. The cover soil shall be compacted to achieve a firm consistency, but not so excessive (greater than 90 percent relative compaction) as to inhibit vegetative growth. The final grades of the cover soil shall be such as to promote positive drainage and sheet flow characteristics.
  - d. Upon completion of grading operations, the cover soil will be revegetated with native grasses.
  - e. Temporary erosion control devices (e.g., silt fence, hay bales, etc.) shall be installed around the perimeter of the burn dump until the vegetative covering is established.
  - f. A fence with gates will be installed around the old burn dump to discourage unauthorized access.
67. The project shall be constructed to comply with all State required energy conservation requirements.
68. To the extent feasible and reasonable it is encouraged that the project be designed to include passive, and possibly active, solar energy engineering. Given the potential for solar energy use in the Ukiah Valley and the fact that the project is a university, the applicant should consider creative uses of solar energy for water heating and space heating and cooling. **This is a non-mandatory condition.**
69. All new heating, cooling, lighting, and refrigeration equipment in newly constructed buildings shall be energy-efficient equipment.
70. There shall be provided a notice to all existing and future occupants of structures that are determined to be within the fault zone as identified by the Alquist-Priolo Earthquake Fault Zone maps on file with the Department of Planning and Building Services. A review of the disclosure statement and the methodology to insure notification shall be approved by the Director of Planning and Building Services.

**B. Conditions which must be complied with for the duration of this permit:**

1. That the amount of new square footage authorized by this entitlement for the renewal in perpetuity of the CTTB/West Campus use permit (U 51-78) without further amendment is 30,000 square feet. The amount of new square footage authorized without further amendment for the IIPE/East Campus (U 11-99 and V 11-99) under this entitlement is 249,000 to be developed within the envelope proposed for the project and assessed by this environmental document. Maximum heights of structures are limited to the height limits provided for within the applicable Zoning Districts. Emphasis in selecting the final building site shall focus on preservation and protection of wetlands, significant trees and prime agricultural soils, as well as consideration of drainage related concerns and visual impacts.
2. The maximum number of individuals authorized for permanent residency is 1300.
3. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. This permit shall be granted in perpetuity, however as it relates to the authorization for new

construction for the development within the project site shall expire on September 25, 2036 (a maximum period of 25 years) unless the applicant vests by permit and physical approved construction, to a minimum of 25% of the approved new construction (a minimum of 69,750 square feet) within this time limit. Any structure granted as part of this entitlement shall have, at a minimum, the foundation inspection completed and approved prior to this expiration date. Assessment of impacts as required by Condition B-11 may cause further mitigation for traffic related impacts. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.

4. 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.
5. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission. This permit authorizes the IIPE facility only for the use of as an educational institution primarily for monks and nuns. As alternative uses may generate significant impacts beyond that anticipated by this project (e.g. additional traffic generation and parking demand), Planning Commission approval of any alternative use shall be required.
6. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
7. This permit shall be subject to revocation or modification by the Planning Commission 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.

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. Any future grazing of the site shall be conducted to ensure that remaining grasslands are managed to maximize wildlife habitat. To ensure this objective, grazing shall be limited to a period between March and July, and stocking shall be monitored to ensure that adequate grass remains on the site after the close of the grazing period. The applicant shall request that the USDA Natural Resources Conservation Service provide guidance for the number of grazing animals allowed so as to maximize the grassland's use as wildlife habitat while maintaining adequate fire hazard reduction.
10. If during site preparation or project construction, any cultural resources are discovered, all work shall be halted immediately, and the applicant shall engage the services of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program, if necessary.
11. The applicant shall be responsible for having a registered traffic engineer conduct new traffic counts on Talmage Road after completion of the project, or at twenty five years from the granting of the project, whichever is later, to determine whether actual project trip generation reflects the trip generation rates used in the EIR. If the project generates significantly more traffic than predicted, the County will have the right to require additional traffic mitigation. The applicant is responsible for the costs of the future traffic studies and any additional mitigation required based on those studies. Mitigations may include, but are not limited to, road widening, intersection improvements, and installation of bicycle lanes.

12. Any future proposal to construct additional parking shall undergo environmental review and approval by the County.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSENT: Nelson

**6. Matters from Staff.**

- 6a.** Review, Discussion and Schedule Hearing of a Revocation Hearing for U 15-92 (Laytonville Rock Quarry).

Chairman Little disclosed that he is acquainted with the applicant, but that would not influence his decision in the matter.

John Speka, Project Coordinator, discussed the surface mining regulations that require financial assurance in case a project is abandoned prior to reclamation. He stated that the applicants annual cost estimate indicated that the current financial assurance was inadequate to cover the activity at the site and additional financial assurance was requested. He noted the operator had been called and several attempts had been made to acquire the document from the applicant without success.

Commissioner Holtkamp asked what constituted financial assurance.

Mr. Speka noted that it was up to the operator to decide, but a bond or certificate of deposit could be used.

Mr. Gonzalez added that the lack of financial assurance was a violation of the conditions of approval, thus the discussion of the revocation hearing had been scheduled as the "first step" in the process. He noted that the Department of Conservation Office of Mine Reclamation liked to see that the Counties were keeping track of their responsibilities prior to calling them for assistance.

Commissioner Calvert asked how long the operation had been in violation.

Mr. Speka stated approximately 9 months.

Commissioner Calvert asked if staff would like to continue the discussion to the next meeting to see if the applicant would comply with the request.

Chairman Little asked if it was difficult to acquire financial assurance given the current status of the banking industry.

Mr. Gonzalez noted that bonds were issued by insurance companies and banks issued irrevocable letters of assurity, which did not seem difficult to acquire. He noted the problem was the "myth" that the operator had to bond for the full reclamation of the project, when in fact, the assurance only needed to cover the portion of the project that was disturbed during that year.

Upon motion by Commissioner Calvert, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED to continue the discussion of scheduling a revocation hearing for U 15-92 to the October 20, 2011 Planning Commission Meeting.

AYES: Little, Calvert, Warner, Holtkamp, Hall, Ogle  
NOES: None  
ABSENT: Nelson

**7. Matters from Commission (continued).**

Commissioner Calvert commented that Greg Guisti had a power point on the environmental impacts of marijuana that she would like to see.

Chairman Little asked if the Director could invite Mr. Guisti to give his presentation to the Commission.

Mr. Gonzalez noted he would invite Mr. Guisti to a Planning Commission Meeting.

**8. Approval of Minutes.**

Commissioner Ogle submitted corrections by email.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Ogle and carried by a voice vote of (5-0) with Chairman Little abstaining, the August 18, 2011 Planning Commission Minutes are approved.

**9. Matters from Public.**

No one was present from the public who indicated a desire to address the Commission.

**10. Adjournment.**

Upon motion by Commissioner Holtkamp, seconded by Commissioner Calvert, and unanimously carried (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:00 p.m.