CASE#: UM_2019-0003  
DATE FILED: 10/28/2019  
OWNER/APPLICANT: DHARMA REALM BUDDHIST ASSOCIATION  
AGENT: JOHN CHU  
REQUEST: This project involves past entitlements and has two (2) components:  
(1) Modification of previously approved Use Permit (U 11-99/2009) and Variance (V 7-99/2009) to modify and remove a portion of Condition #81, which included a limitation that the “Maximum heights of structures [be] limited to the height limits provided for within the applicable Zoning Districts”;  
(2) A Variance to Mendocino County Code Chapter 20.052.055 (Agricultural Zoning District - Building Height Limit) to increase the height of the proposed Assembly Hall from the present maximum of 50 feet to 65 feet.  
LOCATION: 3.9± miles southeast of the City of Ukiah, in the community of Talmage, lying east of the intersection of State Route 222 (SR 222/Talmage Road), and Old River Road (CR 201), located at 4951 Bohdi Way, Talmage (APN: 181-190-05).  
ENVIRONMENTAL DETERMINATION: Statutory Exemption  
SUPERVISORIAL DISTRICT: 1  
STAFF PLANNER: JESSE DAVIS  
RESPONSE DUE DATE: April 17, 2020  

PROJECT INFORMATION CAN BE FOUND AT:  
https://www.mendocinocounty.org/government/planning-building-services/public-agency-referrals

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

☐ No comment at this time.

☐ Recommend conditional approval (attached).

☐ Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)

☐ Recommend denial (Attach reasons for recommending denial).

☐ Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).

☐ Other comments (attach as necessary).

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

REVIEWED BY:

Signature __________________________  Department __________________________  Date __________________________

OWNER/APPLICANT: DHARMA REALM BUDDHIST ASSOCIATION

AGENT: JOHN CHU

REQUEST: This project involves past entitlements and has two (2) components:

(1) Modification of previously approved Use Permit (U 11-99/2009) and Variance (V 7-99/2009) to modify and remove a portion of Condition #B1, which included a limitation that the "Maximum heights of structures [be] limited to the height limits provided for within the applicable Zoning Districts";

(2) A Variance to Mendocino County Code Chapter 20.052.055 (Agricultural Zoning District - Building Height Limit) to increase the height of the proposed Assembly Hall from the present maximum of 50 feet to 65 feet.

LOCATION: 3.9± miles southeast of the City of Ukiah, in the community of Talmage, lying east of the intersection of State Route 222 (SR 222/Talmage Road), and Old River Road (CR 201), located at 4951 Bohdi Way, Talmage (APN: 181-190-05).

APN/S: 181-190-05-00

PARCEL SIZE: 28.5 ± Acres (APN 181-190-05)

GENERAL PLAN: Agriculture, minimum parcel size 40 acres, (AG40)

ZONING: Agriculture, minimum parcel size 40 acres, (AG:40)

EXISTING USES: Multiple Uses (Residential; Educational; Religious Assembly)

DISTRICT: 1st Supervisorial District (Brown)


ADJACENT GENERAL PLAN

<table>
<thead>
<tr>
<th>NORTH</th>
<th>EAST</th>
<th>SOUTH</th>
<th>WEST</th>
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<tr>
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ADJACENT LOT SIZES

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<td>76.5 ±</td>
<td>14.55 ±</td>
<td>60.34 ±</td>
<td>31.85 ±, 1.4 ±, 2.25 ±, 1.13 ±</td>
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ADJACENT USES

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<thead>
<tr>
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<th>SOUTH</th>
<th>WEST</th>
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<td>Agricultural</td>
<td>Mixed-Use</td>
<td>Residential &amp; Agricultural</td>
</tr>
</tbody>
</table>

ADDITIONAL INFORMATION: An EIR was certified in 2001 for the proposed International Institute of Philosophy and Ethics (IPPE), and the project was most recently updated under UM 11-99/2009 & V 7-99/2009. The conditionally approved IPPE granted under use permit (U 11-99) is intended to house a religious educational training facility and associated improvements on lands to the northeast of the existing campus. The IPPE project is to be developed in phases over a 30 year period, and would include an addition to the existing Buddha Hall, a new Book Depository, as well as upgraded and new wastewater treatment systems. The Applicant has drafted Findings pursuant to Mendocino County Code Section 20.200.020, which are included in the Referral materials for review.

STAFF PLANNER: NASH GONZALEZ DATE: 11/26/2019
ENVIRONMENTAL DATA

1. MAC: N/A
2. FIRE HAZARD SEVERITY ZONE: MODERATE
3. FIRE RESPONSIBILITY AREA: LOCAL – UKIAH VALLEY FIRE DISTRICT
4. FARMLAND CLASSIFICATION: Prime (P); Grazing (G)
5. FLOOD ZONE CLASSIFICATION: N/A
6. COASTAL GROUNDWATER RESOURCE AREA: N/A
7. SOIL CLASSIFICATION: East. Study Soils (177)
8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL: N/A
9. WILLIAMSON ACT CONTRACT: ADJACENT
10. TIMBER PRODUCTION ZONE: N/A
11. WETLANDS CLASSIFICATION: N/A
12. EARTHQUAKE FAULT ZONE: ADJACENT
13. AIRPORT LAND USE PLANNING AREA: N/A
14. HAZMAT SITE: YES (FORMER STATE HOSPITAL DUMP SITE)
15. NATURAL DIVERSITY DATABASE: YES
16. STATE FOREST/PARK/RECREATION ADJACENT: N/A
17. LANDSLIDE HAZARD: N/A
18. WATER EFFICIENT LANDSCAPE REQUIRED: YES
19. WILD AND SCENIC RIVER: N/A
20. SPECIFIC PLAN/SPECIAL PLAN AREA: YES (UKIAH VALLEY AREA PLAN)
21. STATE CLEARINGHOUSE REQUIRED: N/A
22. OAK WOODLAND AREA: YES
23. HARBOR DISTRICT: N/A
APPLICATION FORM

APPLICANT
Name: Dharma Realm Buddhist Asso
Phone: 707-462-0939
Mailing Address: 4951 Bodhi Way
City: Ukiah State/Zip: CA 95482 email: cttboffice@drba.org

PROPERTY OWNER
Name: Dharma Realm Buddhist Association
Phone: 707-462-0939
Mailing Address: (same as above)
City: Ukiah State/Zip: CA 95482 email:

AGENT
Name: John Chu
Phone: 707-462-0939
Mailing Address: (same as above)
City: Ukiah State/Zip: email: cttbchu@live.com
Parcel Size: 38,408 sf (Sq. feet/Acres) Address of Property: 4951 Bodhi Way, Ukiah, CA 95482
Assessor Parcel Number(s): 181-190-05

TYPE OF APPLICATION:
- [ ] Administrative Permit
- [ ] Agricultural Preserve
- [ ] Airport Land Use
- [ ] CDP- Admin
- [ ] CDP- Standard
- [ ] Certificate of Compliance
- [ ] Development Review
- [ ] Exception
- [ ] Flood Hazard
- [ ] General Plan Amendment
- [ ] Land Division-Minor
- [ ] Land Division- Major
- [ ] Land Division-Parcel
- [ ] Land Division-Resubdivision
- [ ] Modification of Conditions
- [ ] Reversion to Acreage
- [ ] Rezoning
- [ ] Use Permit-Cottage
- [ ] Use Permit-Minor
- [ ] Use Permit-Major
- [ ] Variance
- [ ] Other

I certify that the information submitted with this application is true and accurate.

John Chu 10-25-19

Signature of Applicant/Agent Date

Signature of Owner Date
SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project please indicate "Not applicable" or "N/A".

THE PROJECT

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

   The City of Ten Thousand Buddhas requests a variance to Mendocino County Code Sec.20.052.055 - Building Height Limit. The request for a variance to this section of the Code is to increase the height of the Assembly Hall on the IIPE campus from the maximum 50 feet to 65 feet. We trust that the responses provided below will help the County reach a determination to grant this request for a building height limit variance.

   Sec. 20.200.020 - Findings
   Before any variance may be granted or modified it shall be shown: &nbsp;Please find attachment

<table>
<thead>
<tr>
<th>2. Structures/Lot Coverage</th>
<th>Number of Units</th>
<th>Square Footage</th>
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</thead>
<tbody>
<tr>
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<td>Existing</td>
<td>Proposed</td>
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<tr>
<td>Mobile Home</td>
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<tr>
<td>Duplex</td>
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<td></td>
</tr>
<tr>
<td>Multifamily</td>
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<td>Other: Assembly Building</td>
<td></td>
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<tr>
<td>Other:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Structures Paved</td>
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<td></td>
</tr>
<tr>
<td>Area Landscaped Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unimproved Area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

GRAND TOTAL (Equal to gross area of Parcel) 38408 ft²
3. If the project is commercial, industrial or institutional, complete the following:

   Estimated employees per shift: 10
   Estimated shifts per day: 2
   Type of loading facilities proposed: parking lot

4. Will the proposed project be phased?  □ Yes  □ No If yes, explain your plans for phasing:

   ____________________________
   ____________________________
   ____________________________
   ____________________________

5. Will vegetation be removed on areas other than the building sites and roads?  □ Yes  □ No Explain:
   The current building site for Assembly hall is a vacant land

   ____________________________
   ____________________________
   ____________________________
   ____________________________

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives?  □ Yes  □ No If yes, explain:

   ____________________________
   ____________________________
   ____________________________
   ____________________________

7. How much off-street parking will be provided?

   Number of spaces
   Number of covered spaces
   Number of uncovered spaces
   Number of standard spaces
   Number of handicapped spaces

   Existing Number of Spaces
   Proposed Additional Spaces
   Total

   ____________________________  ____________________________
   ____________________________  ____________________________
   ____________________________  ____________________________
   ____________________________  ____________________________

8. Is any road construction or grading planned?  □ Yes  □ No If yes, grading and drainage plans may be required. Also, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

   Proposed road layout as attached. Access road inside of site will be developed and designed by

   ____________________________
   ____________________________
   ____________________________
   ____________________________

   civil engineer. all proposed roads are on level or nearly level ground, Iloahi Way will be extended
   as the public access to the proposed IPE campus to the east.

9. For grading or road construction, complete the following:

   A. Amount of cut  8700 (excluding footing) cubic yards
   B. Amount of fill  9400 cubic yards
   C. Maximum height of fill slope 1/2 H=9 feet
   D. Maximum height of cut slope 1/6 H=10 feet
   E. Amount of import or export will balance inside of site cubic yards
   F. Location of borrow or disposal site
10. Does the project involve sand removal, mining or gravel extraction?  □ Yes  □ No
   If yes, detailed extraction, reclamation and monitoring plans may be required.

11. Will the proposed development convert land currently or previously used for agriculture to another use?  □ Yes  □ No
   If yes, how many acres will be converted? approved acres. An agricultural economic feasibility study may be required.

12. Will the development provide public or private recreational opportunities?  □ Yes  □ No
   If yes, explain below:
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

13. Is the proposed development visible from State Highway 1 or other scenic route?  □ Yes  □ No
14. Is the proposed development visible from a park, beach or other recreational area?  □ Yes  □ No

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes?
   - Diking:  □ Yes  □ No
   - Filling:  □ Yes  □ No
   - Dredging:  □ Yes  □ No
   Placement of structures in:
   - open coastal waters
   - wetlands
   - estuaries
   - lakes
   If so, amount of material to be dredged or filled? ____________ cubic yards.

16. Will there be any exterior lighting?  □ Yes  □ No  If yes, describe below and identify the location of all exterior lighting on the plot plan and building plans.
   Exterior lighting will be minimum, for example: parking areas, and will be designed by civil/electrical engineer.

17. Utilities will be supplied to the site as follows:
   A. Electricity:
      - Utility Company (service exists to the parcel)
      - Utility Company (requires extension of service to site: ___ feet ___ miles)
      - On Site Generation - Specify: solar
   B. Gas:
      - Utility Company/Tank
      - On Site Generation - Specify:
      - None
   C. Telephone:  □ Yes  □ No

18. What will be the method of sewage disposal?
   - Community sewage system - Specify supplier ____________________________
   - Septic Tank ____________________________
   - Other - Specify: ____________________________

19. What will be the domestic water source:
   - Community water system - Specify supplier ____________________________
   - Well ____________________________
   - Spring ____________________________
   - Other - Specify: ____________________________
20. Are there any associated projects and/or adjacent properties under your ownership? □ Yes □ No If yes, explain (e.g., Assessor's Parcel Number, address, etc.):
____________________________________________________________________________________

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, state and federal agencies:
RWQCB, Corp of Engineer, Fish and Wildlife, DOT, Air quality management district.
____________________________________________________________________________________

22. Describe the location of the site in terms of readily identifiable landmarks (e.g., mailboxes, mile posts, street intersections, etc.):
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 Rd), AP: 181-190-05
____________________________________________________________________________________

23. Are there existing structures on the property? □ Yes □ No
If yes, describe below, and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision:
____________________________________________________________________________________

24. Will any existing structures be demolished or removed? □ Yes □ No
If yes, describe the type of development to be demolished or removed, including the relocation site, if applicable.
____________________________________________________________________________________


26. Gross floor area of existing structures ______ square feet (including covered parking and accessory buildings). Gross floor area of proposed structures ______ square feet (including covered parking and accessory buildings).

27. Lot area (within property lines): 26 □ square feet □ acres.

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful.
The City of Ten Thousand Buddhas occupies the former Mendocino State Hospital property. The property is a well-known local landmark, has a long local history.
No significant impact on existing physical features is being proposed.

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.
The community of Talmage is to the west, with vineyards to the north, and single family residences to the east, west and south. Mill Creek runs along the Mill Creek Road.

30. Indicate the surrounding land uses:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>North</th>
<th>East</th>
<th>South</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Agricultural</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Commercial Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional Timberland</td>
<td></td>
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<tr>
<td>Other</td>
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</tbody>
</table>

Z:1.PBS Forms\COMPLETED Form\Planning Application-2015.docx
Page - 6
CERTIFICATION AND SITE VIEW AUTHORIZATION- SUBMIT ONLY ONE COPY

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.

2. I hereby grant permission for County Planning and Building Services staff and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.

Dharma Realm Buddhist
Owner/Authorized Agent

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZED ON AGENT

John Chu
Owner/Authorized Agent

to act as my representative and to bind me in all matters concerning this application.

Owner

MAIL DIRECTION
To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page 1 of the application form:

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Chu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailing Address</td>
<td>Mailing Address</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>P.O. Box 217</td>
<td>Talmage, CA 95481</td>
<td></td>
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INDEMNIFICATION AND HOLD HARMLESS

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

Applicant: John Chu
Date: 10-23-19
Chief Planner Julia Acker Krog  
County of Mendocino  
Dept of Planning and Building Services

Subject: Height Variance Request of Use Permit UR_2009-0002 the International Institute for Philosophy and Ethics (IIPE).

Dear Chief Planner Krog,

The City of Ten Thousand Buddhas (CTTB) requests a variance to Mendocino County Code Sec. 20.052.055 - Building Height Limit. The request for a variance to this section of the Code is to increase the height of the Assembly Hall on the IIPE campus from the maximum 50 feet to 65 feet.

We trust that the responses provided below will help the County reach a determination to grant this request for a building height limit variance. If you have any questions about this application, please feel free to contact me at tel: 707-462-0939 or email: cttbchu@live.com.

Sincerely,

John Chu  
IIPE project coordinator  
City of 10,000 Buddhas  
4951 Bodhi Way,  
Ukiah, CA 95482

Sec. 20.200.020 - Findings  
Before any variance may be granted or modified it shall be shown:

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;

The topography of the site allows the floor level of the Assembly Hall to be located 35 feet below Guidiville Road, which is adjacent to the property. If the request for building height variance is granted and the building height is allowed to be 65 feet, the roof of the Assembly Hall will be less than 35 feet.
higher than Guidiville Road (lower than the top of a 50-foot building if the ground were level across the property).

The property is large enough to allow the Assembly Hall to be located more than 700 feet from the closest property line. The site development plan includes a 600-foot landscape buffer, which will be installed in accordance with the County of Mendocino Final Findings and Conditions of Approval, Biological Resources and Landscaping Items 23 – 27 and will fully mitigate any visual impacts resulting from increasing the height of the Assembly Hall.

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;

The applicant has sighted the facility per the recommended mitigation imposed by past environmental analysis and findings. The necessity for a variance to the building height limit was discovered during the design process as a result of constraints of the approved footprint of the building and the required slope of the roof. Those constraints would prevent installation of adequate natural lighting for classes, lectures, and ceremonies in the Assembly Hall. Additional artificial lighting and ventilation would be required to comply with the building height limit in the Mendocino County Code.

Approval of the requested variance to the building height limit would allow clerestory windows to be installed to provide natural lighting and ventilation. The variance would eliminate the need for artificial lighting and mechanical ventilation and enhance the energy efficiency of the Assembly Hall. To accommodate the improved energy efficiency, every effort has been made to limit the amount of roof area of the Assembly Hall that will exceed the current 50-foot height limit to less than 35 percent of the total roof area.

(C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.

The total facility is designed to house a religious educational facility meant to elicit inspiration and reverence. Like such facilities in western cultures (e.g. church spires), the height of the structure brings the visitor to a place of spiritual inspiration and reverence. There have been other such structures built within the County that have similarly been provided such exceptions to height, e.g. the New Baptist Church in Ukiah, and a church in Gualala (see CDV 8-93). Also, because of the overall size of this educational facility, an exemption to height standards is appropriate from a simple design perspective, e.g. the 118,000+ sq ft Retech Building south of Ukiah.

(D) That the granting of such variance will not be materially detrimental to the public welfare or
injurious to the property or improvements in such vicinity and the zone in which the property is located:

Given the massive setbacks, the vegetative buffer and backdrop, no negative impacts from the granting of the requested variance would be perceived.

(E) That the granting of such variance will not adversely affect the General Plan.

No adverse impacts to the General Plan are foreseen given the considerations provided above. All mitigation measures identified in the environmental studies for this project will be implemented.
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage

ZONING DISPLAY MAP
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage

GENERAL PLAN CLASSIFICATIONS
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage

ADJACENT PARCELS
CASE: UM 2019-0003  
OWNER: Dharma Realm Buddhist Assn., Inc.  
APN: 181-190-05  
APLCT: Dharma Realm Buddhist Assn., Inc.  
AGENT: John Chu  
ADDRESS: 2500 McClure Subdivision Road, Talmage
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhis Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage

NO SCALE

BUILDING LAYOUT PLAN
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage

LOCATION MAP
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage

Zoning Districts

ZONING DISPLAY MAP
CASE: UM 2019-0003
OWNER: Dharma Realm Buddhist Assn., Inc.
APN: 181-190-05
APLCT: Dharma Realm Buddhist Assn., Inc.
AGENT: John Chu
ADDRESS: 2500 McClure Subdivision Road, Talmage
NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☐ Mendocino County Clerk
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

Project Title:
DATE FILED: 4/14/2009
OWNER: DHARMA REALM BUDDHIST ASSOCIATION
APPLICANT: JOHN CHU/DHARMA REALM BUDDHIST ASSOCIATION
AGENT: JOHN CHU

State clearing House Number (if Submitted to Clearing House) Contact Person Area Code/Number/Extension

Project 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# 181-150-04 & 05, 181-160-26, 181-160-28, 181-190-05, 182-240-15, 182-240-16, 182-250-02 and 182-250-03.

Project Description:
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” (IIPE) 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 IIPE 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 IIPE’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 IIPE 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.

This is to advise that the County of Mendocino has approved the above-described project on September 15, 2011 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Negative Declaration and record of project approval is available to the general public at 501 Low Gap Road, Room 1440, Ukiah.

Date of Filing: 9/16/2011
Signature:

[Stamp: Received by Mendocino County on 10/31/2011]
September 16, 2011

FINAL FINDINGS AND CONDITIONS OF APPROVAL
OWNER: DHARMA REALM BUDDHIST ASSOCIATION
SEPTEMBER 15, 2011

The Planning Commission approves Use Permit Renewal # UR 51-78/2009 and Use Permit Modification # UM 11-99/2009 and Variance # V 7-99/2009 per the findings and conditions of approval contained in the staff report on pages PC 38 through PC 49 and as modified during the public hearing by the Planning Commission, further finding:

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 IIPE including standards for basin grading, dam construction, and basin wall construction.

4. The detention basins appurtenant to the IIPE 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 IIPE. 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.
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.

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.

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 black 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.

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 Guadalupe 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 shall be shielded from adjacent residential areas.

25. Project landscaping 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 CCFR Part 60 Subpart A AA “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. DRA 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 on 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, or 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.