

**FINAL FINDINGS AND CONDITIONS  
USE PERMIT #U 11-99 AND VARIANCE #V 7-99  
DECEMBER 3, 2002**

At the March 7, 2002 Planning Commission hearing, upon the following motion by Commissioner Lipmanson, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED that the Planning Commission certifies the Environmental Impact Report finding that:

- (A) The final EIR has been completed in compliance with CEQA;
- (B) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (C) The final EIR reflects the lead agency's independent judgment and analysis.

AYES: Nelson, Barth, Calvert, Lipmanson, Little

NOES: None

ABSENT: Berry, McCowen

At the December 3, 2002 Board of Supervisors hearing, the Board of Supervisors adopts the following findings and conditions approving the project.

**GENERAL PLAN CONSISTENCY**

The Board of Supervisors finds that the project is consistent with all applicable elements of the County General Plan and approval of the project is in the public interest, specifically, the project is consistent with the General Plan agricultural policies and the Board of Supervisors makes the following specific findings supported by substantial evidence in the record:

1. The subject parcel or parcels have already been rendered substantially unusable for agricultural purposes by virtue of encroaching adjacent non-agricultural uses. Non-agricultural uses of the subject parcel shall only be allowed as an extension of adjacent non-agricultural uses.
2. Use of the site will not impair agricultural activities in the project area.
3. There is no land which is zoned commercial, residential or industrial where the project can be reasonably located.
4. The site location is in conformance with all applicable elements of the County General Plan, and the decision is in the public interest.

**FIRST FINDING DISCUSSION**

The agricultural zoned parcel on which the Dharma Realm proposes to construct its educational facility already contains nine buildings which have been located in the agricultural zone since the original construction of the state mental hospital many decades ago. Only a very limited portion of this property has been used for agriculture as a leased vineyard and small orchard<sup>1</sup>. The vast majority of the parcel has lain idle for decades. Both the Agricultural Commissioner and Charles Barra, a grape grower and agricultural real estate appraiser, concluded that the property would not support a viable agricultural

<sup>1</sup> The orchard will remain, but approximately two acres of vineyard will be removed.

operation. Furthermore, the project will be built upon approximately 13.7 acres of agriculturally zoned land and will retain more than sixty- six acres in a deed restriction limiting use of that acreage to agricultural use. The second part of this finding states that a non-agricultural use may encroach on agricultural zoning if it is an extension of an adjacent non-agricultural use. Historically the entire parcel on which the state mental hospital stood was zoned public facilities. In around 1971, the zoning of the front and back parcels was changed to Agriculture – Conservation. In 1976, when the Dharma Realm Buddhist Association purchased the front and back parcels, an interim overlay district of Planned Development was added which lasted until 1978 when the overlay district was permanently added upon issuance of the first use permit to the Dharma Realm. In 1981, as part of the General Plan update, the zoning of the front parcel was changed to a new classification, RC-PD, and the back parcel was changed to Agriculture. Since that time, aside from periods where a few sheep grazed, as well a single remaining donkey, approximately only 19.5 of the 153 acres in the back parcel have been used for agriculture – vineyard and fruit orchard. The rest has not been farmed. Historically, the entire parcel has been used for the benefit of an institution, first as part of the state mental hospital and now as part of the City of Ten Thousand Buddhas. Furthermore nine buildings from the original state mental hospital still exist on the agriculturally zoned parcel.

### **FINDING**

The Board of supervisors finds that the subject parcel or parcels have already been rendered substantially unusable for agricultural purposes by virtue of encroaching adjacent non-agricultural uses. Non-agricultural uses of the subject parcel are an extension of adjacent non-agricultural uses.

### **SECOND FINDING DISCUSSION**

The Agricultural Commissioner has determined that the project, with the dedication of 6.9 acres of prime agricultural soils on the front parcel of the existing CTTB, the 600 foot set back, the 200 foot set back from the northwestern project envelope, and the deed restriction, will not adversely impact agricultural activities in the project area. The dedication of 6.9 acres of land defined as prime agricultural soils, the deed restriction, together with the in lieu fee to assist in the preservation of agricultural land, will be beneficial to agricultural uses in the County. Furthermore the agricultural neighbors who originally opposed this project, a group known as “The Friends of Agriculture”, have withdrawn any opposition to the project due to this 600 foot buffer. The 25 year history of the Dharma Realm with respect to non-interference with the activities of its agricultural neighbors evidences that the project will not impair agricultural activities in the project area.

### **FINDING**

The Board of Supervisors finds that use of the site will not impair agricultural activities in the project area.

### **THIRD FINDING DISCUSSION**

The record reflects that Dharma Realm cannot reasonably locate this project on any other commercial, residential or industrial property. This project is an intrinsic part of the existing City of Ten Thousand Buddhas and requires the staff and administrative support which comes from the having the project immediately adjacent to the existing City of Ten Thousand Buddhas. The infrastructure for the project is located partly on the existing CTTB and several existing buildings and structures will provide support for the project. It would be infeasible to locate this project any where but adjacent to the existing project as the two projects are linked and the operation of the proposed project relies upon administrative, maintenance, and staff services already in place. Furthermore, the EIR could not identify any commercial, residential or industrial property which could reasonably support this project. Constraints on development within the existing CTTB site, or “infill” include a 13 acre existing wetland, an Alquist-

Priolo zone, and floodplain designation. Alternatives discussed in the EIR for infill development would necessitate the loss of housing if built in the southwest corner of the front parcel as well as the loss of many mature trees. Movement of the project southwest of the proposed site would require building over an existing landfill and require removal of a significant number of mature trees. The record demonstrates that existing CTTB structures have been considered, and where appropriately incorporated, into infill development. Future uses of these structures have been identified.

### **FINDING**

The Board of Supervisors finds that no other commercial, residential or industrial zoned land exists on which this project can be reasonably located.

### **FOURTH FINDING DISCUSSION**

This finding is supported by ample evidence in the record as the County in 1983 amended its zoning code to specifically include educational facilities within resource zones including the "Agriculture" zone, the "Forest Land" zone, and the "Rangeland" zone. At that time, the issue of whether allowing educational facilities in the resources areas was addressed by the Board of Supervisors and the Board of Supervisors concluded that locating educational facilities in resource zones was consistent with the General Plan. The project proposes an advanced educational facility and a forum for study of international philosophy. This will provide economic benefit and cultural and intellectual benefit to the County. In addition, the applicant has agreed to dedicate 6.9 acres of agricultural land to agricultural use, has agreed to contribute \$157,000 to the Inland Mendocino Land Trust to assist in the preservation of additional agricultural land in the County, offsetting any loss of agricultural land in the County.

The EIR also examined all applicable elements of the General Plan and found that the project, as mitigated, was in conformance with all other elements. By balancing the General Plan elements in their entirety, the record reflects and this Board determines that the mitigated project is consistent with and promotes the goals and policies of the General Plan.

### **FINDING**

The Board of Supervisors finds that the site location is in conformance with all applicable elements of the County General Plan and approval of the project is in the public interest.

### **STATEMENT OF OVERRIDING CONSIDERATION**

The resolution of findings required for certification of the environmental impact report has found that one potentially significant impact may not be mitigated to a level of insignificance. This impact is the conversion of agricultural lands to a non-agricultural use. Significant mitigation has been put in place to minimize the conversion of agricultural land and to provide replacement of agricultural land on other portions of the property. In particular, the project conditions require the dedication of 6.9 acres of prime agricultural soils to be restricted to agricultural use. Although this 6.9 acres is zoned Rural Community, with a Planned Development Combining District, it contains prime agricultural soils, thus offsetting the loss of 6.9 acres of prime agricultural soils on the project site. The project conditions also require the payment of an in lieu fee of \$157,000 to the Inland Mendocino Land Trust to assist in the preservation of agricultural land. The project conditions also contain a deed restriction which prohibits any uses incompatible with open space and/or agricultural use until adjacent parcels change from agricultural use to nonagricultural use. These conditions arguably mitigate the loss of agricultural land to a less than significant impact.

However, to allow an unmitigated impact from a loss of agricultural land, the California Environmental Quality Act allows a project to proceed if the economic, legal, social, technological or other benefits of a

proposed project outweigh the unavoidable significant impact. (Public Resources Code §21081; CEQA Guidelines § 15093(a), 15021(d)).

The Board of Supervisors finds that the project has the potential to create considerable new employment due to the size of the building construction and landscaping to complete the proposed project. The project proposes the addition of an international institute to the county thereby providing a substantial educational benefit to the County. Visitors to the project will enhance the local economy through visits to shops and restaurants. The evidence which supports these findings exists through public testimony before the Planning Commission and the Board of Supervisors at several hearings on the proposed project in which local contractors testified to the economic opportunities presented by the project. The draft and final EIR include letters demonstrating the educational significance of the proposed project and to the larger State, country and international communities.

### **FINDING**

For the reasons stated above, the Board of Supervisors finds that the project has significant economic, intellectual, educational, and cultural benefits to the community which outweigh the potential unmitigated loss of agricultural land. Therefore the Board of Supervisors adopts this Statement of Overriding Considerations for the project.

### **PROJECT FINDINGS:**

**REQUIRED FINDING:** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

**DISCUSSION:** This project has been extensively studied and is as well accompanied by an EIR certified by the Planning Commission. That document has determined that the utilities, access roads, drainage and other necessary facilities that have been or are being provided for the project are adequate. Additionally, the Department of Transportation has reviewed the circulation plan for the project and has determined that the access roads and parking for the project are adequate. The drainage facilities for the project have been designed to meet all possible concerns of Environmental Health and the Regional Water Quality Control Board.

**FINDING:** Based upon the studies, design and review performed for utilities, access roads, drainage and other necessary facilities, the Board of Supervisors finds that the project has adequate utilities, access roads, drainage and other necessary facilities.

**REQUIRED FINDING:** 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.

**DISCUSSION:** The Dharma Realm Buddhist Association has existed as The City of Ten Thousand Buddhas on the front portion of the project area for more than 26 years. During that time, The City of Ten Thousand Buddhas has co-existed with the agricultural operations to the north, east and south with no complaints regarding agriculture having been filed. Other neighbors have also existed within a few yards of the DRBA's property boundary with no detrimental impacts to health, safety or general welfare of the neighborhood.

**FINDING:** Therefore the Board of Supervisors finds 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 or to surrounding property and improvements in the neighborhood.

**REQUIRED FINDING:** That such use preserves the integrity of the zoning district.

**DISCUSSION:** In its 1983 amendment to the Zoning Code, the County specifically included educational facilities within resource zones including the Agriculture zone, the Forestland zone and the Rangeland zone. Therefore, construction of educational facilities is consistent with the zoning of the proposed project. Additionally, the applicant has agreed to dedicate 6.9 acres of agricultural land to agricultural use and has agreed to contribute \$157,000 to the Inland Mendocino Land Trust to assist in the preservation of additional agricultural land in the County. The project is also conditioned with a 600 foot buffer along Guidiville Road and a 1200 foot buffer to the north as well as a 200 foot building setback at the northwest portion of the project. These conditions insure that the project will preserve its present coexistence with the active agricultural operations that are adjacent, thus preserving the integrity of the zoning district in which the project is placed.

**FINDING:** Therefore the Board of Supervisors finds that the project's proposed construction and operation of an advanced educational facility preserves the integrity of the zoning district.

### **PARKING VARIANCE FINDINGS FOR DHARMA REALM**

That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding. 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. 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. 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 zone in which the property is located. That the granting of such variance will not adversely affect the General Plan. There is substantial evidence in the record to support each finding including but not limited to the following:

- A. There are special circumstances applicable to the property in that the property houses a community which will generally not use conventional transportation such as individual vehicles in the way the rest of the community uses them. Typically, staff and students will not own individual cars and will bicycle, car pool or bus to those activities which take them outside the project area. Although some staff will live offsite, these staff members will typically car pool, bus, or bicycle to their jobs on site, thus creating little traffic impact. Events held at the property bring guests to the property primarily by bus, not by private vehicle. Parking is generally required at the project area only for handicapped access, vendor access, bicycles and buses. There is a 25 year history in the front campus of focus on pedestrian, bicycle, car pooling and bus transportation in addition to an excess of parking spaces to meet the full build out need for the front campus.

### **FINDING**

The Board of Supervisors finds that there are special circumstances unique to this property which create the need for a parking variance.

- A. The special circumstances are not due to any action of the applicant subsequent to the application of the zoning regulations but rather due to the circumstances of the applicant's community. There is a 25 year transportation history of the applicant using car pooling, buses and alternative transportation on the front site. In addition, there was already constructed, when the applicant took ownership of the property, an excess of parking spaces on the front campus.

### **FINDING**

The Board of Supervisors finds the need for a parking variance was not created by an action of the applicant but rather is warranted by the applicant's extensive reduction of traffic through carpooling and alternative busing transportation.

- A. The parking variance is necessary for the preservation and enjoyment of the substantial property right. The City of Ten Thousand Buddhas would have to convert existing open space to parking which will not be needed, thereby adversely impacting the property for parking requirements which simply are not required, given the unique features of the community. The City of Ten Thousand Buddhas has the right to use its property consistent with its use permit.

### **FINDING**

The Board of Supervisors finds that the parking variance is necessary to preserve a substantial property right.

- A. The granting of the parking variance will not be materially detrimental to the public welfare or injurious to property or improvements because parking requirements can be met by existing parking and because trip reduction and alternative transportation, such as car pooling, buses and bicycles are already an integral part of the existing project and will continue to be a necessary component of the proposed project which is a walk in campus.

### **FINDING**

The Board of Supervisors finds 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 zone in which the property is located.

- A. The granting of a parking variance will not adversely affect the General Plan as the proposed project will not add any additional traffic or parking to areas outside the project perimeters. In fact, the EIR and the AQMD have already determined that the existing campus and the proposed project are good models for trip reduction and alternative transportation.

### **FINDING**

The Board of Supervisors finds that the granting of a parking variance will not adversely affect the General Plan.

### **CONCLUSION:**

The Board of Supervisors finds that the proposed project meets all required findings for a parking variance.

### **DEPARTMENT OF FISH AND GAME FINDING:**

Because this use permit would create additional density and intensity of land use and would contribute to the overall reduction in wildlife populations and habitat from a cumulative standpoint, the de minimis finding can not be made for this project. The project is, therefore, subject to the Fish and Game fee of \$875.00.

### **CONDITIONS OF APPROVAL:**

**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 geotechnical 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 certified engineering geologist 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 geotechnical 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 assure that all grading and cut-and-fill operations are stable and not subject to erosion.
3. The geotechnical engineer shall provide design criteria for the detention basins including standards for basin grading, dam construction, and basin wall construction.
4. The detention basin 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. The bridge crossings shall be designed by a civil engineer based on the recommendations of the design level geotechnical study required above under Condition Number A-SD-1.
6. The 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 qualified and responsible party to oversee operations and maintenance requirements. The plan shall be approved by the Mendocino County Department of Transportation.
7. A design level hydrologic analysis of the timing effects of on-site detention shall be conducted. 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:
  - a. 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.
  - b. The basin shall be constructed with an emergency spillway with the capacity to pass the 100-year storm while maintaining one foot of freeboard.
  - c. 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.

- d. If it is determined that detention basins are not required, then on-site drainage shall be designed by a civil engineer to provide outfalls to the North Fork of Mill Creek. Such outfalls shall include appropriate energy dissipating outlet structures.
8. The following criteria shall be used for the design of the sedimentation Basins A and C to optimize water quality benefits:
  - a. The basins shall be outside the 25-year floodplain.
  - b. The basins shall have a minimum average depth of two feet, and an optimal depth of three to six feet, to optimize sedimentation.
  - c. Emergent wetland vegetation such as reeds, tule and cattail should occupy at least 25 percent of the water surface area.
  - d. Adequate energy dissipation shall be provided at the basin inlet and outlet.
  - e. Basins A and C shall be sized to adequately convey runoff from the 25-year storm event.
  - f. The sedimentation basins shall be designed with access for routine cleaning.
9. A final drainage plan for the 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.
10. 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)*
11. The hydrologic study required by Condition Number A-SD-7 shall include the increase in flood elevations created by bridge support in determining whether detention basins are required and, if they are, their size.
12. 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. Bridge construction and construction of the bridge abutments shall be done so that no bared earth is left within the stream channel (i.e., below the top of the banks). All disturbed earth for the bridges as well as the processional path near the bridges shall be re-vegetated and supplied with erosion control structures. All work within the stream channel shall be conducted during the dry season.
- d. 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)*
- e. 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)*
- f. 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.
13. The required relocation of on-site drainage to the east of the project site shall be designed to flow through new on-site wetlands, and will be designed in conjunction with sedimentation and detention facilities at this location.

#### **Landscaping:**

1. The alternative grading plan shown on Figure 14 of the DEIR shall be required. 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.
2. For each of the oaks removed, 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.

3. Prior to tree removal, 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.
4. Apart from the wetland mitigation plan, project landscaping shall focus on using species that are native to the project area, including but not limited to 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, especially in the earthen berms of the detention basins.
5. Leachfield 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 leachfield design and construction shall be implemented.
6. The creation of new wetlands shall be coordinated with the planting of replacement oaks or riparian trees. If feasible, an enhanced wetland-valley oak mosaic should be established in the area between the building envelope and Guidiville Road.
7. New landscaping should focus on the use of native trees and shrubs which provide wildlife habitat.
8. 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 off the property.
  - c. Any night lighting required for safety or security purposes should be shielded from adjacent residential areas.
9. Project landscaping should 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.
10. 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.
11. Required landscaping shall be installed prior to occupancy of the first structure completed for the project.
12. Tree removal shall be limited to those specific trees identified on the Exhibit Map labeled Site Trees City of Ten Thousand Buddhas, prepared by Carlile-Macy, dated May 31, 2002. Trees that

are removed shall be verified by a qualified arborist within a report provided to the Department of Planning and Building Services.

14. The visibility of the Assembly Hall shall be further mitigated by grading berms along the easterly edge of the project to minimize visual impacts from Guidiville Road. Berms to be landscaped with native species and with relocated trees and replacement trees. Berms and landscaping shall be setback from existing utilities.
15. Approved landscaping shall be established and maintained for the life of the permit.

**Air Quality:**

1. The applicant shall notify the Mendocino County Air Quality Management District (AQMD) when a decision is made regarding the choice of heating for the 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 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.
2. 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.

**Traffic:**

1. 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 project truck traffic causes pavement deterioration. The project applicant shall be responsible for repairing any project-induced pavement deterioration.

2. 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.
3. Handicapped parking spots will be designated in the portion of the parking lot nearest the project entrance.
4. 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 ten 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 mitigations required based on those studies. Mitigations may include, but are not limited to, road widening, intersection improvements, and installation of bicycle lanes.
5. Any future proposal to construct additional parking shall undergo environmental review and approval by the County.
6. 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:**

1. 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.
2. The applicant shall notify in writing neighbors within 1500 feet of the construction site of the construction schedule within 90 days of issuance of the first construction permit. Subsequently, a construction schedule will be provided to the neighbors each six months.
3. 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.
4. 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:**

1. The new well plus the water system shall be constructed 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 thereunder.
  - b. The applicant shall obtain permit approval from the State Division of Health Services, Drinking Water Field Operations Branch for the 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.
2. 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.
3. All sewage flow from the project shall be collected in a series of large volume, water-tight septic tanks sized to provide at least 1.5 days detention time for the daily dosing flow.
4. 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.
5. 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 leachfield. The RSF recirculates the effluent from the sand filter back to a recirculation tank several times before distribution to the leachfield. 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 leachfield.
  - 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, 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 approval by the County and the North Coast Regional Water Quality Control Board for use of the RSF or alternative treatment.

6. Disposal of the treated effluent shall be accomplished by using two-foot wide trenches on ten-foot centers with three feet of gravel below the distribution pipe. It is estimated that 4,375 lineal feet of trench will be required for disposing of project effluent; a total of 8,750 lineal feet would be provided for both the primary and replacement area leachfields. It is estimated that there are 2.36 acres (as shown on Figure 26) available; this area would meet the required sizing, setback, and slope requirements, including a 10 percent allowance to minimize disturbance to trees in the sloped disposal area.
7. 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 for receiving a discharge permit for such large projects is the requirement to conduct routine monitoring of system operations and to file periodic reports with the County and the NCRWQCB.
  - 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. Weekly and monthly monitoring requirements are likely to be required; daily flow monitoring during full occupancy of the project is also likely to be required. 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.
8. 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 leachfield areas are constructed, use the "resting disposal fields" for short, peak-use periods.
9. A recirculating sand filter (RSF) or equivalent facility will be required for CTTB use of Leachfield 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:**

1. An emergency access road connecting the 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.
2. 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.
3. 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.
4. 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:**

1. Water delivery and storage systems shall be able to provide a fireflow equivalent to 2,000 gpm for two hours. 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.
2. Hydrants shall be sited and constructed per the requirements established by the UVFD.
3. All building construction and water delivery system construction shall meet Uniform Fire Code and applicable UVFD requirements.
4. An automatic sprinkler system shall be installed in all buildings based on the reported fireflow of 2,000 gallons per minute for two hours. 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.
5. All roadways within the project site will be Fire Apparatus Access Roads. Every building, or portion of a 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.
6. Booster pumps shall be installed at the water storage tanks to ensure a minimum fireflow of 2,000 gallons per minute for two hours. 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.

7. 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.
8. 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.
9. 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:**

1. 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 \$875.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 14, 2002. 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.
2. All structures shall be constructed to meet the appropriate seismic requirements in the Uniform Building Code and County Building Code requirements.



3. The applicant shall obtain a Floodplain Development Permit from the Department of Planning and Building Services, and abide by the conditions established in that permit as regards the structural integrity of the bridge support.
4. 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.
5. The applicant shall comply with all requirements established in the wetland fill permit received from the U.S. Army Corps of Engineers.
6. 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.
7. The applicant shall sign a statement acknowledging receipt of the County Right to Farm Ordinance and 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 inconvenience or discomfort arising from agricultural practices which generate noise, dust, smoke, and odors. Further, the applicant agrees not to lodge any form of complaint or lawsuit against the adjacent landowners regarding those impacts.
8. All structures shall be handicapped accessible, and parking areas shall be developed to include a minimum of one parking space for every 25 spaces required.
9. The applicant shall agree to conduct strict recycling of all paper products, glass, metal, recyclable plastics and styrofoam, and landscaping/yard wastes
10. 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.

11. The project shall be constructed to comply with all State required energy conservation requirements.
12. To the extent feasible and reasonable it is encouraged that the project be designed to include solar energy systems. 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.
13. All new heating, cooling, lighting, and refrigeration equipment shall be energy-efficient equipment.
14. The applicant shall abide by all conditions established by the RWQCB for control on non-point water pollution.
15. The applicant shall secure all necessary permits and abide by all the conditions established by the Army Corps of Engineers.
16. The project site shall be subject to the mitigation monitoring plan as shown on Pages PC-27 through PC-34 of the staff report dated March 7, 2002. The applicant shall be responsible for all staff costs involved in carrying out responsibilities for mitigation monitoring and administration of this entitlement. These costs shall be charged using the most current County costs under an hourly rate. A deposit may be collected to cover anticipated costs, if required by the Director of Planning and Building Services.
17. A mitigation offset fee of \$15,000 per acre (6.9) for prime agricultural land and \$10,000 per acre (5.4) for non-prime agricultural land, for a total fee of \$157,000, shall be contributed for the area of agricultural land (as defined within the County's General Plan) lost due to project development, which shall be used to fund the Inland Mendocino Land Trust for use to purchase and/or protect agricultural lands. Said fee shall be paid prior to any construction permits issued for the project.
18. The applicant shall dedicate an equivalent amount of prime agricultural or approximately 6.9 acres lost to agricultural use from the development of the project (defined as any area within the project compound boundary) to permanent agricultural use. Said land shall be within the ownership boundary of the City of Ten Thousand Buddhas, and shall be in a form acceptable to the Department of Planning and Building Services and County Counsel.
19. There shall be created a deed restriction with reference to an area between the project site to Guidiville Road (approximately 600 feet) and from the project site to the northern property boundary. This deed restriction shall specify that the designated area be dedicated to agricultural use (defined as uses devoted to the production of food and/or fiber), or left in permanent open space, and shall be defined as a building setback. This restriction shall remain in affect or until such time that all properties that front on Guidiville Road and properties adjoining with the northern boundary of the subject property are changed by the County of Mendocino to other than a resource based zoning district. This deed restriction, which shall be recorded to memorialize this restriction, shall be in a form acceptable to the Department of Planning and Building Services and County Counsel.
20. A 200 foot building setback shall be observed on the northwest boundary of the project building envelope from APN 181-190-04 (Norma Gibson – 14.55 acres).

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

1. That the maximum amount of square footage granted by this entitlement is 332,000 square feet, to be confined to an area within the building envelop proposed for the project assessed by the subject EIR. The maximum height of the structure shall be limited to 50 feet. Emphasis in selecting the final building site shall focus on preservation of the maximum amounts of wetland and prime agricultural soils, as well as consideration of drainage related concerns and visual impacts. The final building design and footprint shall be reviewed and approved by the Planning Commission. Should a variance be requested by the applicant based on the design, said variance shall be within the original jurisdiction of the Planning Commission.
  - a. Special events shall be limited to 10 events of not more than 1,700 individuals and two events of not more than 2,800 individuals per year. This would include both residents and staff of this facility, as well as guests and residents of the City of Ten Thousand Buddhas.
  - b. Except for special events, a maximum of 800 individuals may be on site, of whom a maximum of 600 may be resident students and 100 may be resident staff.

Should the applicants wish to place some residents or staff within the City of Ten Thousand Buddhas, and by doing so the number of residents exceeds 500 individuals, a separate modification of Use Permit #U 51-78 would be required.

2. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit, as it relates to the authorization for new construction for the development of the International Institute of Philosophy and Ethics, shall expire on June 15, 2012. The project developed by that point shall be granted in perpetuity, however, assessment of impacts as required by Traffic Condition 4 may cause further mitigation for traffic related impacts. Any structure designed for human occupancy granted as part of this entitlement shall have, at a minimum, the foundation inspection completed and approved prior to the expiration date of this permit. 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.
3. 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.
4. 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 facility to be used only as described within the Project Statement, included as Appendix B within the Draft Environmental Impact Report. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.