

RESOLUTION NO. 16-138

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DENYING AN APPEAL OF THE PLANNING COMMISSION'S DETERMINATION THAT THE PROPOSED RELOCATION OF THE INTERNATIONAL INSTITUTE FOR PHILOSOPHY AND ETHICS (EAST CAMPUS) IS CONSISTENT WITH CONDITION B-1 OF USE PERMIT UR_2009-0002 AND ACCEPTING A STAFF MEMORANDUM AS AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION ADOPTED FOR USE PERMIT UR_2009-0002

WHEREAS, in 1999, the Dharma Realm Buddhist Association ("DRBA") applied for a Use Permit (#U 11-99) and Variance (#V 7-99) to develop the International Institute of Philosophy and Ethics (IPE/East Campus), and in connection with said applications the County prepared an environmental impact report; and

WHEREAS, on December 3, 2002, the County certified the environmental impact report, adopted findings of significant overriding considerations, and approved #U 11-99 and #V 7-99; and

WHEREAS, to renew Use Permit (#U 51-78; which authorized a religious-based university in the abandoned State Hospital) and modify Use Permit (#11-99), the DRBA applied for a use permit renewal and use permit modification in 2009 (#UR 51-78 and #UM 11-99), which included modifications to the project and in connection with said application, the County prepared an initial study and mitigated negative declaration; and

WHEREAS, on September 15, 2011, the County Planning Commission adopted the mitigated negative declaration and approved Use Permit UR_2009-0002, subject to conditions of approval including Condition B-1, which reads as follows:

"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 IPE/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."

and;

WHEREAS, as satisfaction of the final sentence of Condition B-1 of Use Permit UR_2009-0002 ("Condition B-1"), the DRBA submitted a final building site plan to the County on June 27, 2016, which site plan proposed to shift the location of the IPE/East Campus north of the previously approved site by approximately 400 feet; and

WHEREAS, the proposed final building site plan was based on new wetland information produced from a survey conducted in Spring 2016, which revealed that wetlands had expanded since they were analyzed under previous project permutations; and

WHEREAS, following public notice of neighboring properties of the proposed shift of the final building site, the Department of Planning and Building Services scheduled a public meeting of the Planning Commission to make a determination regarding whether the placement of the final building site was consistent with Condition B-1; and

WHEREAS, at a noticed public hearing on October 6, 2016, the Planning Commission considered presentations and public testimony and based on the evidence presented, accepted a staff memorandum as an addendum to the mitigated negative declaration adopted for Use Permit UR_2009-0002 and determined that the proposed relocation of the IPEE/East Campus is consistent with Condition B-1; and

WHEREAS, Jody Sangiacomo, representing 'Concerned Neighbors & Friends' ("Appellant") filed an appeal of the Planning Commission's action on October 17, 2016; and

WHEREAS, Mendocino County Code Section 20.208.015 allows for an appeal of any decision, determination, or requirement made by the Planning Commission to be heard by the Board of Supervisors provided an appeal is filed within ten (10) days of the Planning Commission's action and the appropriate fees are paid; and

WHEREAS, the appeal was deemed timely since the tenth day of the appeal period fell on a Sunday; and

WHEREAS, the Board of Supervisors, upon receipt of the Appellant's appeal of the Planning Commission's decision, did schedule a public hearing to consider the appeal; and

WHEREAS, said public hearing was duly held on this 14th day of November, 2016, pursuant to proper notice and all evidence was received and the same fully considered.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, based on the evidence in the record, finds as follows:

1) The proposed final building site of the IPEE/East Campus is in compliance with Condition B-1 of Use Permit UR_2009-0002 because the supporting documentation demonstrates it is an environmentally superior alternative that appropriately takes into account the considerations listed in Condition B-1;

2) The staff memorandum prepared for the Board of Supervisors' November 14, 2016, meeting and the staff memorandum prepared for the Planning Commission's October 6, 2016, meeting, are together accepted as an addendum to the mitigated negative declaration adopted by the Planning Commission on September 15, 2011;

3) The acceptance of an addendum to the mitigated negative declaration is appropriate as the shifting of the final building site 400 feet to the north is not, pursuant to section 15164(b) of the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 *et seq.*), a substantial change with respect to the circumstances under which the project is undertaken which will require major revisions of the mitigated negative declaration, and there is no new information of substantial importance, which was not known and could not have been known at the time the mitigated negative declaration was adopted that shows any of the factors listed in section 15162(a)(3) of the State CEQA Guidelines; and

4) The appeal of the Planning Commission's October 6, 2016, determinations is hereby denied.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Hamburg, and carried this 14 day of November, 2016, by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde and Hamburg
NOES: None
ABSENT: Supervisor Woodhouse

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel

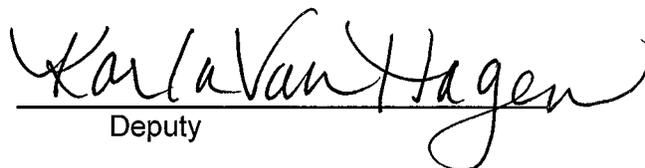




DAN GJERDE, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy