



Mendocino County

Legislation Text

File #: 16-1143, **Version:** 1

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: November 14, 2016

Department Contact: Robert Dostalek

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Item Type: Noticed Public Hearing

Time Allocated for Item: 2 Hours

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Planning Commission's October 6, 2016, Acceptance of a Memorandum as an Addendum to the Mitigated Negative Declaration Adopted for Use Permit UR_2009-0002 and Determination that the Proposed Relocation of the International Institute for Philosophy & Ethics (IIPE) East Campus is Consistent with Condition B-1 of Use Permit UR 2009-0002

Recommended Action/Motion:

Deny the appeal and adopt a Resolution finding that the proposed relocation of the IIPE/East Campus is consistent with Condition B-1 of Use Permit UR_2009-0002 and authorize Chair to sign same; and, accept the staff memorandum as an addendum to the Mitigated Negative Declaration adopted for Use Permit UR_2009-0002.

Previous Board/Board Committee Actions:

In December of 2002, the Board certified the EIR to add the IIPE East Campus to the City of Ten Thousand Buddha's (now case #UR 2009-0002), with overriding considerations justifying loss of prime agricultural lands and a mitigation fee requirement. In 2009, the applicant submitted a modification request to reduce the scope of the 2002 approved expansion, which also reduced impacts to wetlands. The modification was approved with the adoption of a Mitigated Negative Declaration in 2011.

Summary of Request:

Consider an appeal of the October 6, 2016, Planning Commission's determination that the proposed relocation of the IIPE East Campus is consistent with Condition B-1 of Use Permit UR 2009-0002. That use permit approved the development of a 249,000 square foot religious educational training facility ("project") on a site located at 4951 Bodhi Way (formerly 2001 Talmage Road) in Talmage, APN's 181-150-02, 181-160-26, 181-160-27, 182-240-15, 182-240-16, 182-250-02 and 182-250-03. The parcels have General Plan Land Use Designations of Agriculture and Rural Community and are zoned AG40 (Agricultural) and RC (Rural Community), respectively. The Planning Commission considered testimony and associated documentation and determined the modification complies with Condition B-1 by finding the final building site would reduce impacts to wetlands and conjointly accepted the memorandum as an addendum to the Mitigated Negative Declaration adopted for Use Permit UR_2009-0002. Section 15164(b) of the CEQA Guidelines provides that a lead agency may prepare an addendum to an adopted negative declaration if only minor technical changes or

additions are necessary, or none of the conditions described in Section 15162 have occurred (which involve substantial changes to a project or new information of substantial importance). The Planning Commission's determination was appealed on October 17, 2016, claiming that the proper environmental review as required by CEQA was not performed. The appellants contend that the project relocation will have new significant environmental effects not previously identified in the 2002 certified EIR. Namely, the appellants allege that 2011 modification Condition B-1 is not being upheld regarding necessary setbacks, buffers, protection and preservation of prime agricultural land within and adjacent, newly delineated wetland encroachment, visual impacts, detention ponds and infrastructure. Condition B-1 was crafted in anticipation of, and designed to, proportionally balance previously identified significant impacts for the future selection of the final building site. This condition was included as a component of the 2011 modification approval. As proposed, the final building site would actually be protective to the impact areas outlined by the appellant and identified in Condition B-1.

Alternative Action/Motion:

The Board of Supervisors approves the appeal, overturning the decision of the Planning Commission, by finding the proposed relocated IIEP would create a significant environmental impact and is thus inconsistent with Condition B-1 of UR 2009-0002.

Supplemental Information Available Online at: www.co.mendocino.ca.us/planning

Fiscal Impact:

Source of Funding: N/A

Budgeted in Current F/Y: N/A

Current F/Y Cost: N/A

Annual Recurring Cost: N/A

Supervisory District: District 1

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Christopher Shaver, Deputy CEO

CEO Review: Yes

Comments: