

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

STAFF REPORT FOR REZONE AND MAJOR USE PERMIT

R_2013-0001/U_2013-0001

MARCH 19, 2015

PAGE PC-1

OWNER: RANGJUNG YESHE GOMDE CALIFORNIA
PO BOX 162
LEGETT, CA 95585

APPLICANT: RANGJUNG YESHE GOMDE CALIFORNIA
P.O. BOX 162
LEGETT, CA 95585

AGENT: JOANNE BRION
2641 BARNDANCE LANE
SANTA ROSA, CA 95407

REQUEST: The request includes three separate entitlements: 1) a rezone of that portion of property that is currently designated Rural Community in the General Plan, approximately 32± acres, from SR (Suburban Residential) to RC (Rural Community), 2) a Contract Rezone to allow for the use type "Transient Habitation-Resort and Recreational Facility" within the SR zoned area of the property in conjunction with the proposed RC zoning on the northern portion of the property which allows for the use with a major use permit, and 3) a major use permit to allow for the legal establishment and expansion of the existing resort and recreational use for up to 150 people which has existed on the site in some form or another over the years.

LOCATION: In Leggett, lying approximately 1± mile south of Leggett Community Center, south of Highway 271 (aka Drive Thru Tree Road), just west of its intersection with Highway 101, located at 66000 Drive Thru Tree Road; APN's 053-400-23, -55, -56, -57, -58 and -59.

TOTAL ACREAGE: 250.74+/- Acres

GENERAL PLAN: Forestland- 160 acre minimum, Rural Community and Suburban Residential (FL160, RC and SR)

ZONING: Timber Production- 160 acre minimum, Suburban Residential, Flood Plain (TP:160, SR:FP)

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: **Approve with Recommended Conditions**

PROJECT DESCRIPTION: The applicant, Rangjung Yeshe Gomde California (RYG CA), proposes to rezone and obtain a Major Use Permit on a portion of a split zoned property that encompasses areas of Rural Community (RC), Suburban Residential (SR) and Timber Production (TP). The rezone would be a change from SR to RC of that portion of the property within the RC General Plan land use designation. It would also involve a Contract Rezone allowing for a text amendment to add the Transient Habitation-Resort and Recreational Facilities use type to the conditional uses permissible under contract to the portion of the property designated SR in the General Plan within a SR Zoning District.

The use permit would allow for the legal establishment and expansion of a religious organized camp as a Transient Habitation- Resort and Recreational Facilities use type (County Code Section 20.024.135(D)) which has existed on the site in some form or another over the past several decades. Additional land uses proposed as part of the project would include Religious Assembly and Retail Sales, the latter of which would involve only small scale, non-commercial sales of retreat related items (e.g. books, religious implements, etc.).

The project is to be phased over time beginning with an upgrade to the existing facilities and supporting infrastructure. This includes structures such as existing meeting halls, communal facilities, staff/teacher residences and storage buildings. The development of new facilities (e.g. cabins and camping areas) would constitute a second phase of the project. Overall, three types of facilities are proposed as visitor serving units totaling 8,000 square feet (sf) of development. Conversion of an existing barn into a two-story dormitory (7,000 sf) would make up the majority of the proposed development and several small cabins between 120 to 300 sf would make up the remainder of the proposed visitor serving units. Finally, the development of a 69-space campground is requested to accommodate additional visitors. The proposed facilities would be able to accommodate up to 150 attendees. An allowance is also requested for visitors in excess of that amount for certain occasional events that may attract additional interest.

APPLICANT'S STATEMENT: The following is a summary of the proposal as provided by the applicant:

"Rangjung Yeshe Gomde California (RYG CA), a 501c(3) non-profit organization, seeks a Use Permit and Contract Rezone to formally entitle operations of a contemplative retreat center on property located in the community of Leggett. A modest expansion of facilities is requested to provide for more functional operation and modest anticipated growth of the retreat activities. RYG CA has owned the property since 1998.

The property is designated with three separate land use classifications (SR, RC and FL) and the zoning is also split with TP, SR and RC designations. The property has a diverse development history having been a fire station (1920s), California Department of Fish and Game fish hatchery (1950s), and more recently a horse ranch, campground and Mobile Home Park. Given the existing land use and zoning designations, as well as its location adjacent to the Eel River with very direct access to Highway 101, the development potential could be quite intense. RYG CA, however, proposes what it believes to be a balanced and environmentally sensitive land use plan. The primary focus and overall project would fall within the Transient Habitation: Resort [and Recreational Facilities] use type, but would include uses that could also fall within the Religious Assembly, Retail Sales, and Organized Camp definitions found within the Zoning Ordinance. In order to advance their vision of the land, and to candidly provide a more appropriate overall land use definition, the applicants seek to rezone the majority of the property to Rural Community, with the acceptance of a contract rezone to limit use types to that of the Transient Habitation: Resort and Recreational Facilities use type and Religious Assembly. A use permit for the facility is also sought to provide for site development. There would be limited space for program and religious related retail sales, provision for formal religious assembly, a structure for a dormitory, a dining tent, small retreat huts, and low impact transient housing (a new dormitory and formalization of the existing campground) for RYG CA members and retreat attendees.

The use is similar to other retreat facilities located throughout Mendocino County, however this location has the advantage of direct access and re-use of existing development, as well as provide an intensity of use far less than that already acknowledged by the existing General Plan

and Zoning. While providing the isolated and somewhat remote location beneficial for the intended use, the property is well connected to the surrounding community and provides for easy access and resources for emergency response and visitor safety...”

RELATED APPLICATIONS:

On-Site

- On May 3, 1973, the Planning Commission approved Use Permit #U 34-73 allowing for the continued operation of an existing 10 space mobile home/travel trailer park for a period of 10 years. No records were found renewing the permit at the end of the 10 year period.
- CC 207-78: On December 13, 1978, Certificate of Compliance #207-78 was completed recognizing portions of property subject to the project.
- CC 209-78: On December 14, 1979, Certificate of Compliance #209-78 was completed recognizing portions of property subject to the project.
- PAC 6-2012: On October 11, 2012, Pre-Application Conference #PAC 6-2012 was held before the County Subdivision Committee to discuss potential issues arising from the subject project.
- CC 12-2012: On June 20, 2013, Certificate of Compliance #CC 12-2012 was completed recognizing five separate parcels making up the subject property.

PROJECT SETTING : The property is located approximately one mile south of Leggett, lying to the south of Highway 271 (aka Drive Thru Tree Road) just south and adjacent to Highway 101. The property includes segments of the South Fork Eel River running south to north over the southwestern portion of the property, as well as Leggett Gulch and Cedar Creek, watercourses conjoining on the southeastern portion of the site. In general, the surrounding area is comprised of gentle to steep sloping forested lands, commercial uses (e.g. market, auto repair shop, motel and restaurant within a mile north) and low density residential development.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RC	RC	5+ and up	Res/Comm
EAST	RC/SR	RC/SR	5+ and up	Res/Timber
SOUTH	FL160	TP160	160+	Res/Timber
WEST	FL160	TP160	160+	Timber

SERVICES:

Access: HIGHWAY 271
 Fire District: LEGGETT VALLEY
 Water District: NONE
 Sewer District: NONE
 School District: LEGGETT VALLEY

REFERRAL AGENCY COMMENTS:

Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation	X		
Environmental Health-Ukiah			X
Building Services-Ukiah PBS	X		
Assessor	X		
Forestry Advisor	X		
Air Quality Management District		X	
Sonoma State University-NWIC	X		
Archaeological Commission			X
Caltrans	X		
CalFire			X
Dept. of Fish & Wildlife			X
RWQCB	X		
Department of Health Services			X
Leggett Fire District	X		

KEY ISSUES:**Issue #1 General Plan and Zoning Consistency:**

The request involves a rezone of a portion of the property from Suburban Residential (SR) to Rural Community (RC) and a Contract Rezone of the remainder of the SR zoned portion, from SR to SR:CR. The purpose of the respective rezones is to allow for an entitlement of the existing use (primarily, Transient Habitation- Resort and Recreational Facilities).

Policy DE-3 of the General Plan states, in relevant part, that "Table 3-I, 'General Plan and Zoning Consistency,' shall be used to determine consistency for zoning applications." The property is made up of three General Plan Land Use Categories, Rural Community (RC), Suburban Residential (SR) and Forest Land (FL). The proposed rezones involve a zoning change from SR to RC within the RC General Plan classified portion, as well as a rezone from SR to SR:CR within the SR classified portion, both which are consistent with the related General Plan land use categories.

The second component of the request is for a major use permit allowing for Transient Habitation- Resort and Recreational Facilities (as well other subordinate use types) within the RC and SR:CR zoned portion of the property. Section 20.084.020(C) of the Inland Zoning Code allows the requested use type subject to a major use permit. Section 20.212.010(A) provides for a Contract Rezone to occur in which conditions are imposed when deemed necessary "so as not to create problems inimical to the public health, safety, or general welfare of the County..." In this instance, the recommended conditions would allow for the requested use type while precluding future subdivision of that portion of the property (see Appendix B-Contract Rezone). A condition is recommended as a means of tying the entitlement to only one parcel in the event of future transfer of property as opposed to having the contract apply to multiple properties (see Appendix A- Initial Study, for additional details on the rezones and entitlements).

Key Issue #2- Infrastructure:

According to the application materials, water usage for the facility would come mainly from two spring

sources and three water courses traversing the property. A Water Rights Entitlement Assessment, dated August 13, 2012, prepared for the applicant by Downey/Brand found that the site *"has the flexibility to divert water from any of the three water courses and both springs for use on any of its parcels."* In addition to the springs and water courses, a well has been developed since 1998 near the "Buddha Hall" region of the property. This source, however, is only able to produce a few hundred gallons per day of poor water quality and is not suitable for potable uses.

Comments received from County Division of Environmental Health (DEH) noted that a standard water quality evaluation will be required for each of the water sources on site. The California Department of Public Health- Drinking Water Program (CDPH) provided additional comments stating that the facility's water distribution design would not be considered a public water system (thus, remaining unregulated by that agency) if the number of days of operation were limited to 59 days or less during a 365 day period for use by more than 25 people per day (see recommended Condition Number 7 regarding monitoring).

The project site is well served with respect to access, located on Highway 271, and approximately 400 feet from Highway 101. Emergency services are located within close proximity (less than 3 miles).

Key Issue #3- Fire Safety:

The project site lies within an area designated as "Very High Fire Hazard," although within close proximity to a major highway and emergency services. The entrance of the site is located less than 400 feet from an off-ramp to Highway 101. In addition, a local volunteer fire department is located approximately 0.35 mile north of the entrance of the project site and a California Department of Forestry and Fire Protection (Cal-Fire) station is located within three miles of the project site (the Cal-Fire station operates during the fire season).

The subject property currently includes a centrally located 20,000-gallon water storage tank to be used for fire protection as well as fire risers for fire truck or hose access to water and other firefighting tools made available during fire season. In addition, operators of the retreat center have developed a Fire Evacuation Plan including fuel reduction and fire prevention strategies and establishing fire safe zones in case of emergencies (see Attachment P for Fire Safety and Evacuation Plan). Condition Number 5 is recommended to ensure compliance with the plan.

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors approve the proposed rezone, Contract Rezone and Use Permit (#U_2013-0001) subject to the following conditions of approval and based on the following findings:

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project that cannot be adequately mitigated through the conditions of approval; therefore, a Mitigated Negative Declaration is adopted.

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

Project Findings: The Planning Commission recommends approval of R_2013-0001 and approves U_2013-0001 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood or such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

3. That such use preserves the integrity of the zoning district.

CONDITIONS OF APPROVAL: Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

Aesthetics

- ** 1. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept to the minimum required for safety.

Air Quality

- ** 2. The applicant shall comply with all regulations of the Mendocino County Air Quality Management District, including obtaining any required permits necessary for the site of this application.

Biological Resources:

- ** 3. The applicant shall contact the California Department of Fish and Wildlife (CDFW) to report all known occurrences of sensitive species noted in the Botanical Survey prepared for the project by J. George Strnad and Chris Hargreaves. Written verification from CDFW shall be submitted to the Department of Planning and Building Services that the noted occurrence has been recorded in the California Natural Diversity Database (CNDDDB).

Cultural Resources:

- ** 4. Any future development (i.e. grading, placement of structures, etc.) shall be reviewed against the Archaeological Survey prepared by Thad Van Buren dated June 25, 2013, to ensure continued avoidance of the sensitive region identified in the survey of the property.
- ** 5. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Hazards and Hazardous Materials:

- ** 6. The applicant shall adhere to the Fire Evacuation Plan prepared as part of the project including fuel reduction and fire prevention strategies and establishing fire safe zones in case of emergencies.
- ** 7. The applicant shall comply with those recommendations in the California Department of Forestry and Fire Protection (CalFire) letter of January 13, 2013 (CDF# 2-13), or other alternatives as acceptable to the CalFire. Written verification shall be submitted from the CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of the CalFire.

Hydrology and Water Quality:

- ** 8. An annual accounting of event attendance shall be kept and made available to Planning and Building Services upon request. The accounting shall include the dates and durations of all events at the facility. Events involving more than 25 people per day shall be limited to 59 days or less a year. Should use of the facility exceed this limit, the applicant shall provide written verification from the California Department of Public Health- Drinking Water Program (CDPH), that any and all requirements for a public water system have been met to the satisfaction of that agency.

Land Use:

- **9. A contract between the property owner and the County shall be executed allowing for the Transient Habitation- Resort and Recreational Facilities use type to occur within the Suburban Residential zoned portions of the property on which the existing retreat/resort has been developed. Said contract shall be binding upon the successors and assignees of the owners of APN's 053-400-56, -57, -58 and -59. Future expansion shall be restricted to the current boundaries established through this entitlement with a maximum number of attendees not to exceed 20% (approximately 30 additional overnight accommodation structures) without a modification to the use permit. The entitlement shall be tied to only one of the five recognized parcels upon future transfer of one or more of the properties. Upon such transfer, failure to notify Planning and Building Services which of the parcels has been chosen to continue with the entitlement will result in the entitlement running solely with the RC zoned parcel (APN 053-400-55).

The SR:CR zoning shall cover the entirety of the portion of property zoned SR. However, the existing retreat/resort shall only be permitted within the boundaries established through the subject entitlement. The contract shall stipulate the following items:

- a) The Transient Habitation- Resort and Recreation use type shall be permitted within the SR:CR zoned portion of the property confined to the area established through this entitlement. An exhibit map shall be provided to Planning and Building Services delineating the boundary of the retreat/resort including all areas of structural development, camping, event and gathering areas, water sources and primary and secondary septic fields.
- b) No future subdivision of the SR:CR zoned property shall be allowed.

Public Services:

- ** 10. Written verification of compliance with any applicable fire safe regulations shall be provided from Cal-Fire and the Leggett Fire Protection Department to the Department of Planning and Building Services.
- ** 11. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding adequate water supply and wastewater disposal.

Standard Conditions:

12. 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 \$2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of approval by the Board of Supervisors. Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
13. 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 one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
14. 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.

15. 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.
16. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2013-0001.
17. The applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
18. 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.
19. 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. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. 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.

20. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.

FEBRUARY 5, 2015

JOHN SPEKA

JS/at

Environmental findings
Use Permit Appeal Fee: \$910.00
Appeal Days: 10 days

APPENDIX A: INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

ATTACHMENTS:

- A- Location Map
- B- Topographic Map
- C- Aerial
- D- Site Plan
- E- Use Permit Site Plan
- F- Covered Dining Room Floor Plan
- G- Steel Storage Building Schematic Plan
- H- Dormitory First Floor Plan
- I- Dormitory Second Floor Plan
- J- Retreat Cabin Floor Plan
- K- Adjacent Property Owners
- L- Zoning Display Map
- M- General Plan Designation Map
- N- Fire Hazard Severity Zones
- O- FEMA Flood Zone
- P- Timber Production Zones
- Q- Fire Safety and Evacuation Plan

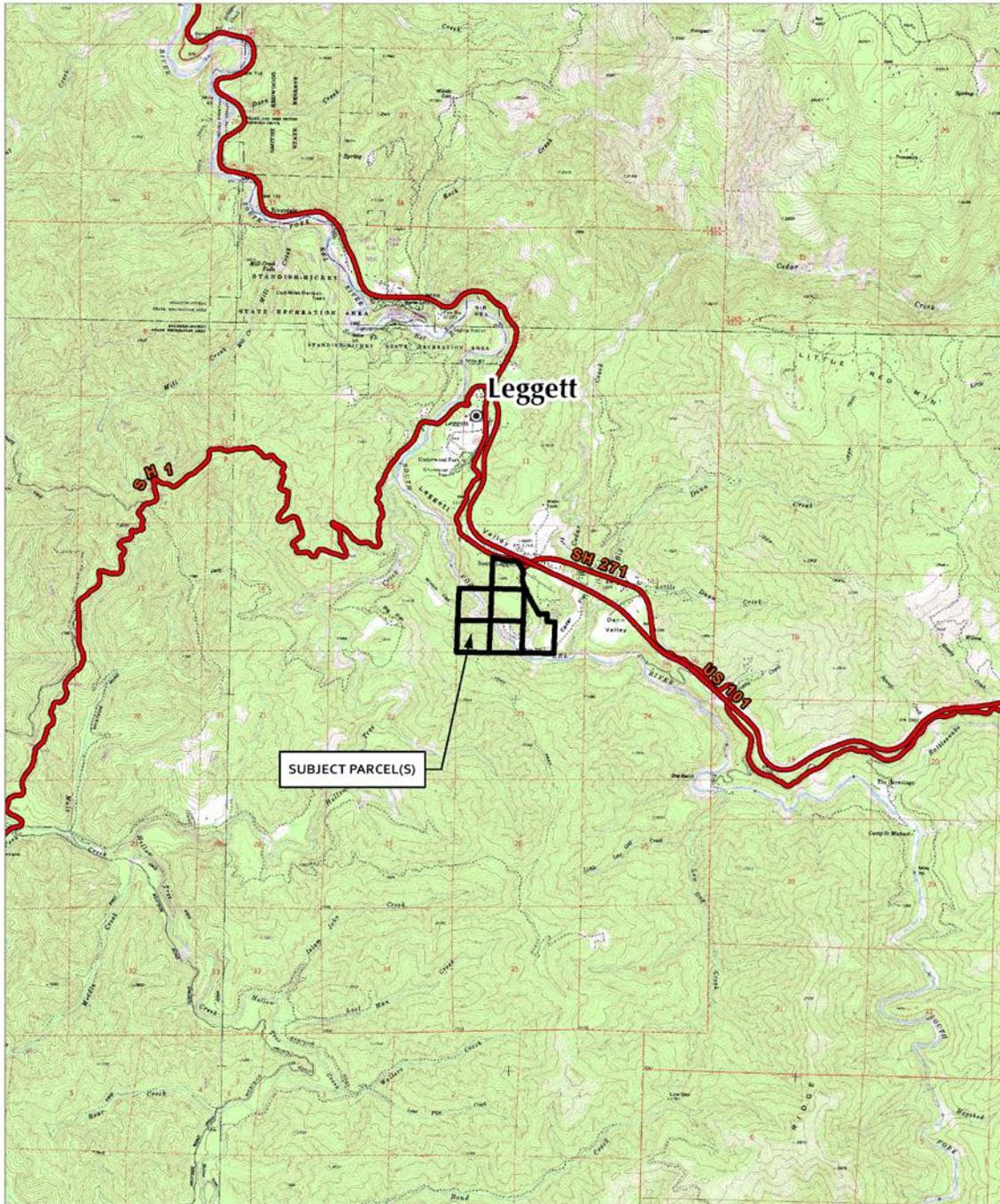
ORDINANCE FOR REZONING

ORDINANCE FOR CONTRACT REZONING

CONTRACT REZONE

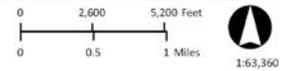
ATTACHMENTS

R_2013-0001 AND U_2013-0001



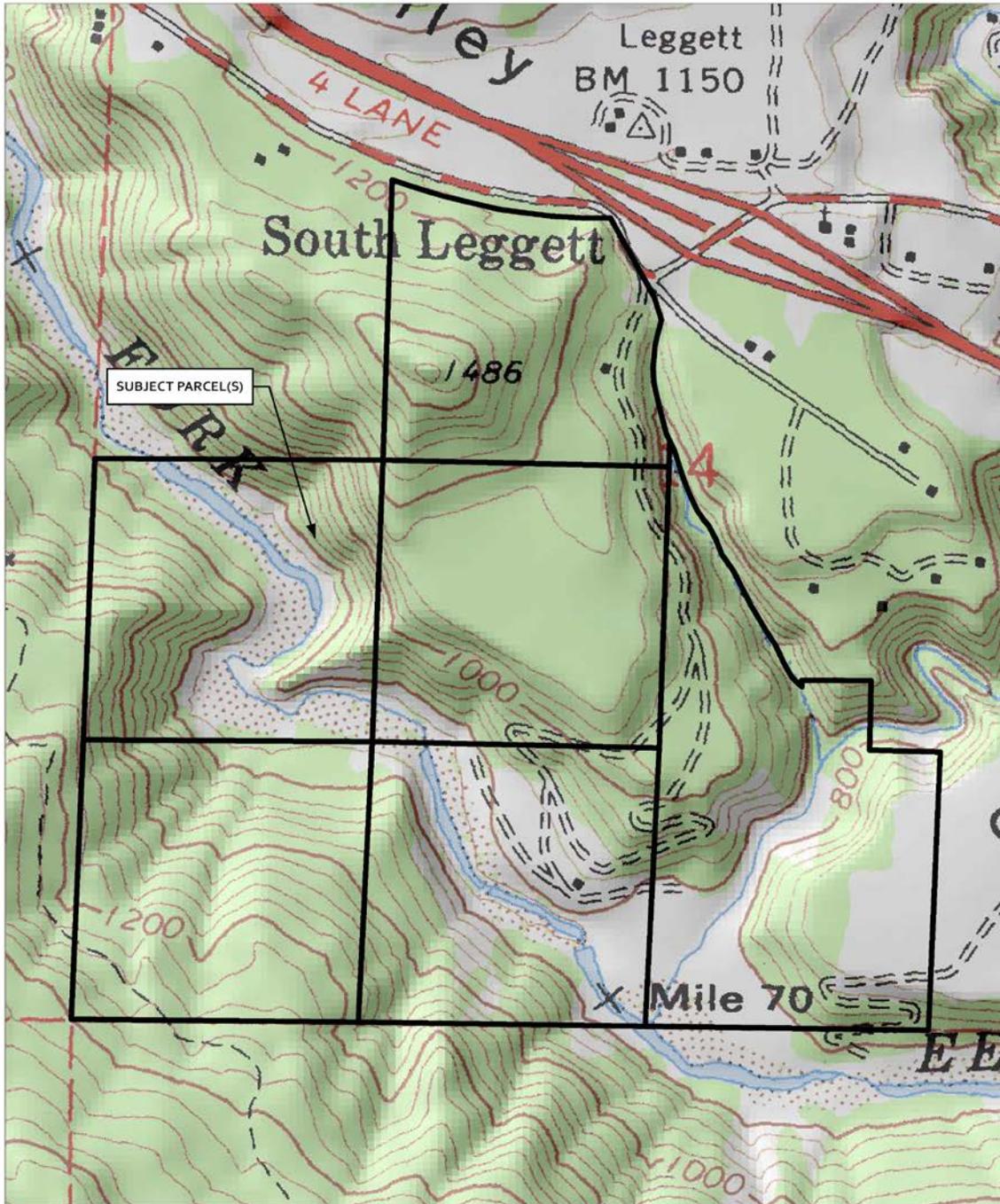
CASE: R 2013-0001 / U 2013-0001
OWNER: Rangjung Yeshe Gomde CA
APN: 053-400-23, 55 thru 59
APLCT: RYGC
ADDRESS: 66000 Hwy. 271, LE

- Major Towns & Places
- Highways



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, February, 2005
All spatial data is approximate. Map provided without warranty of any kind.



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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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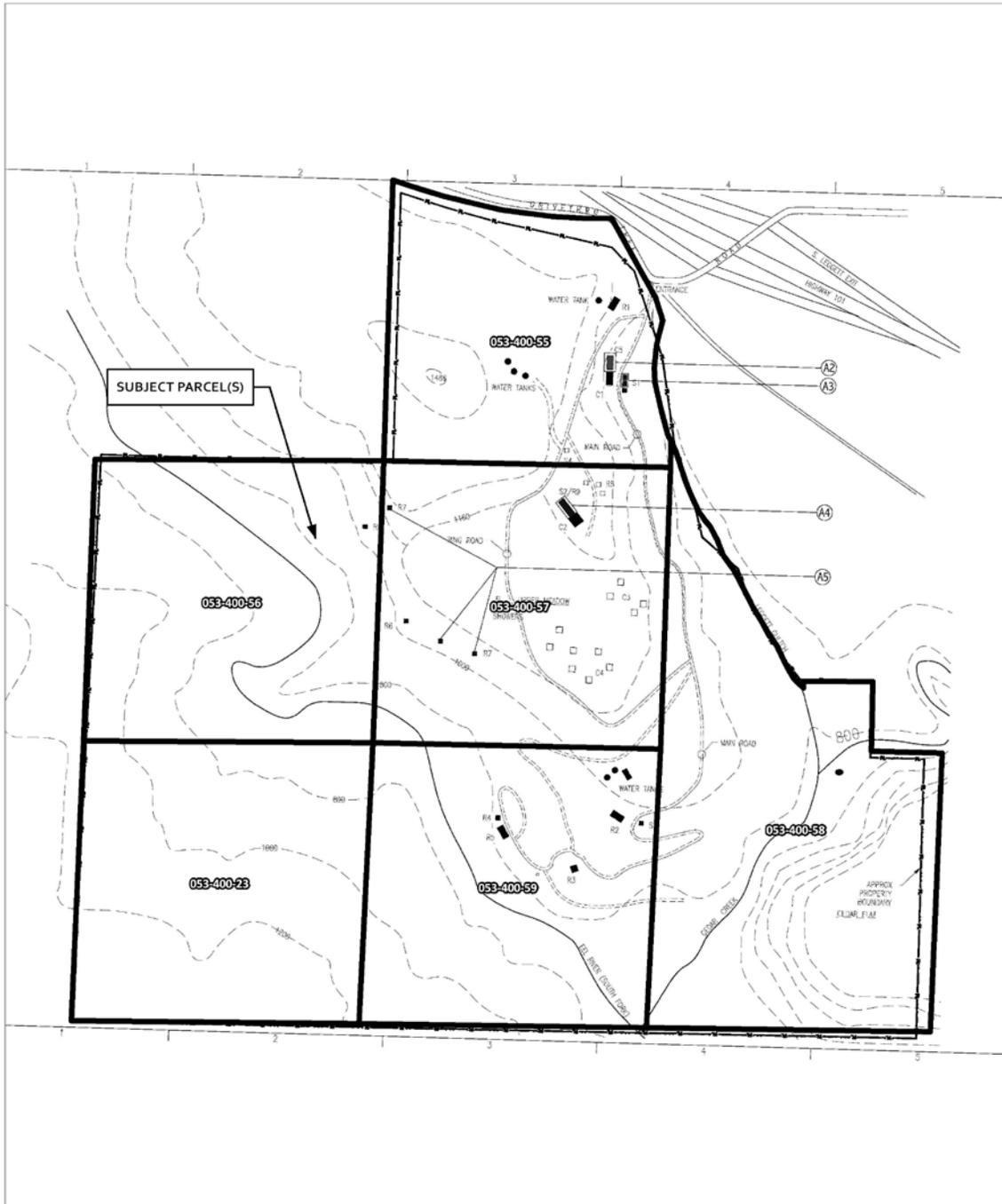


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2010 NAIP AERIAL ORTHOPHOTO

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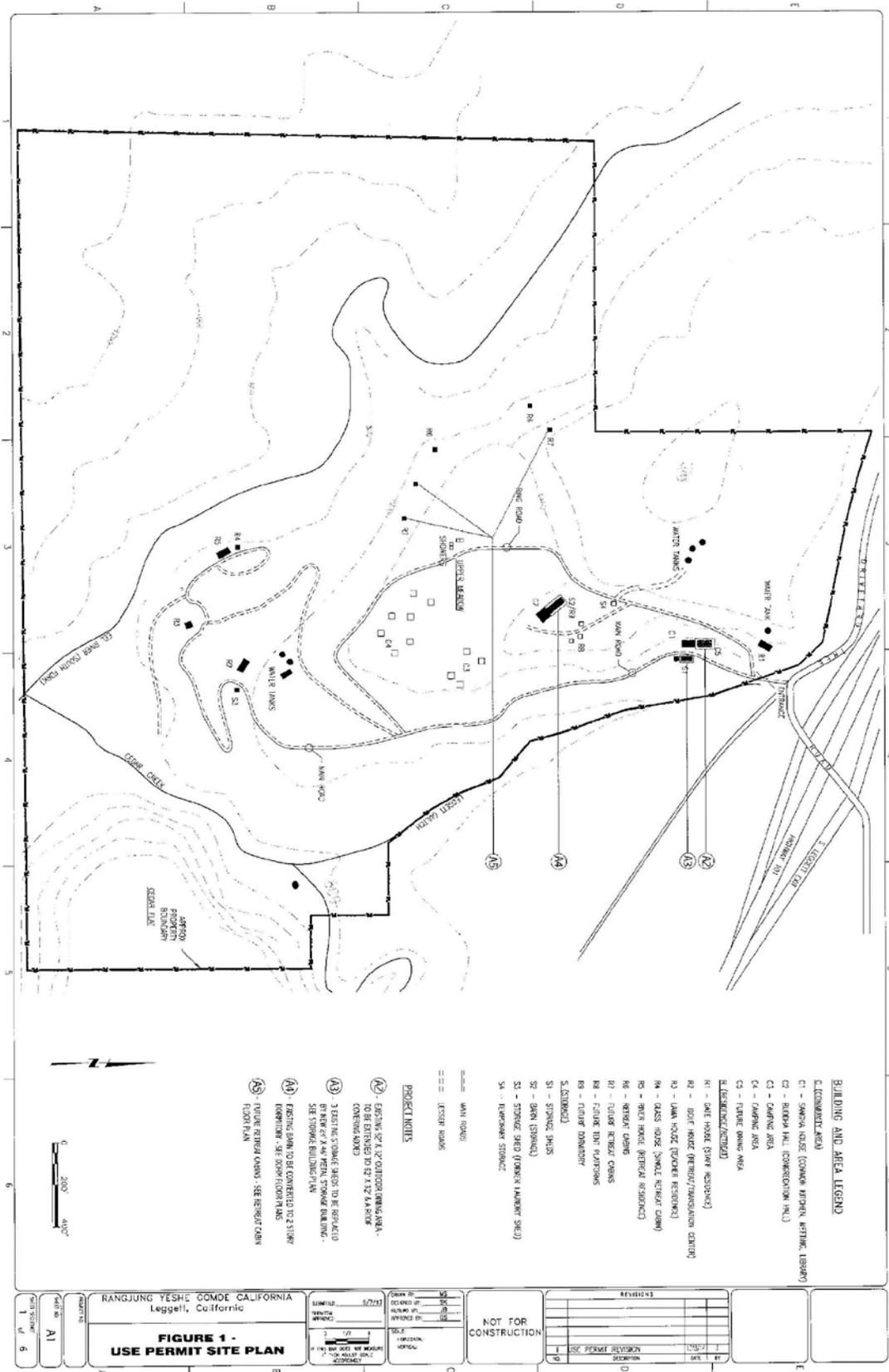


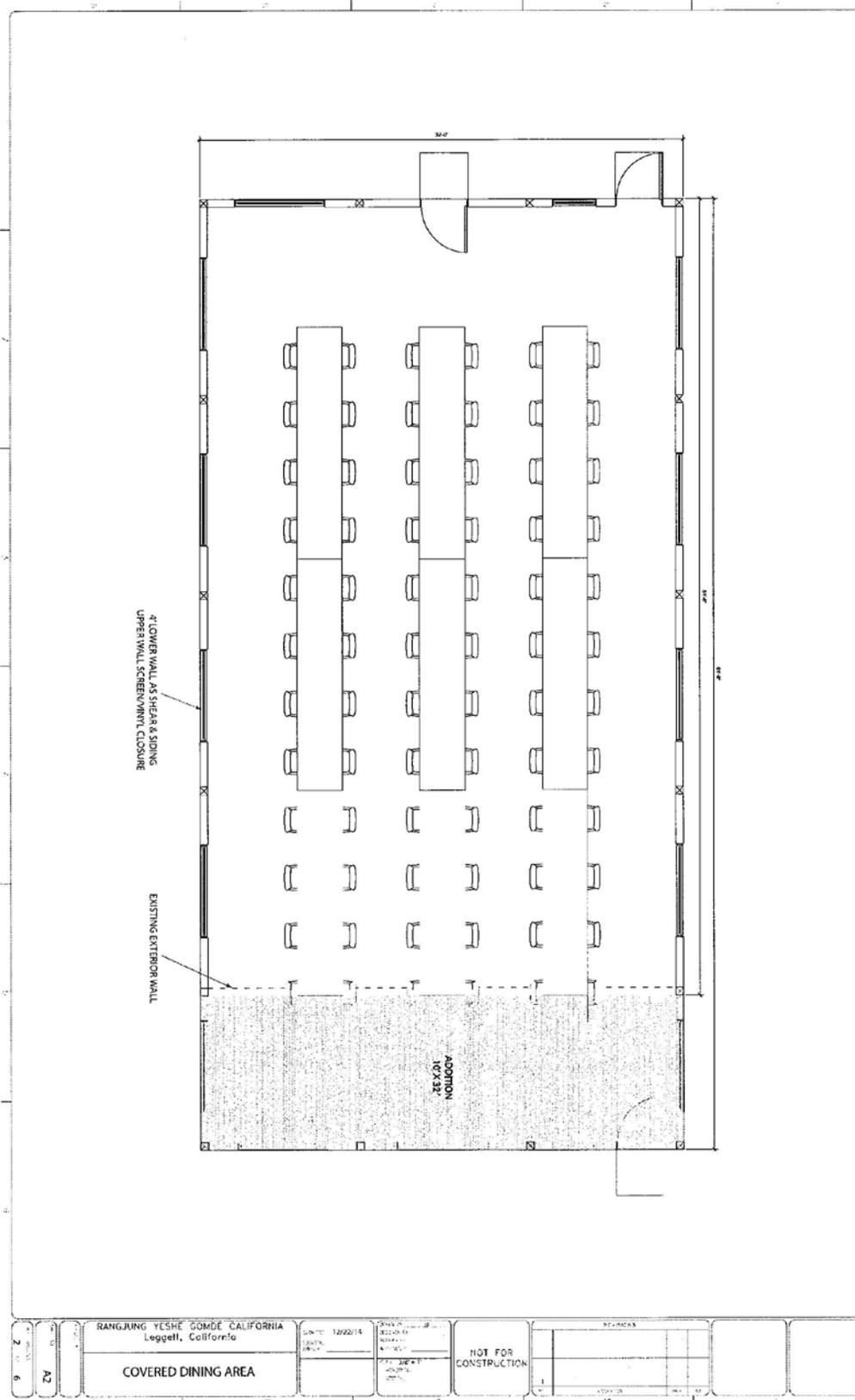
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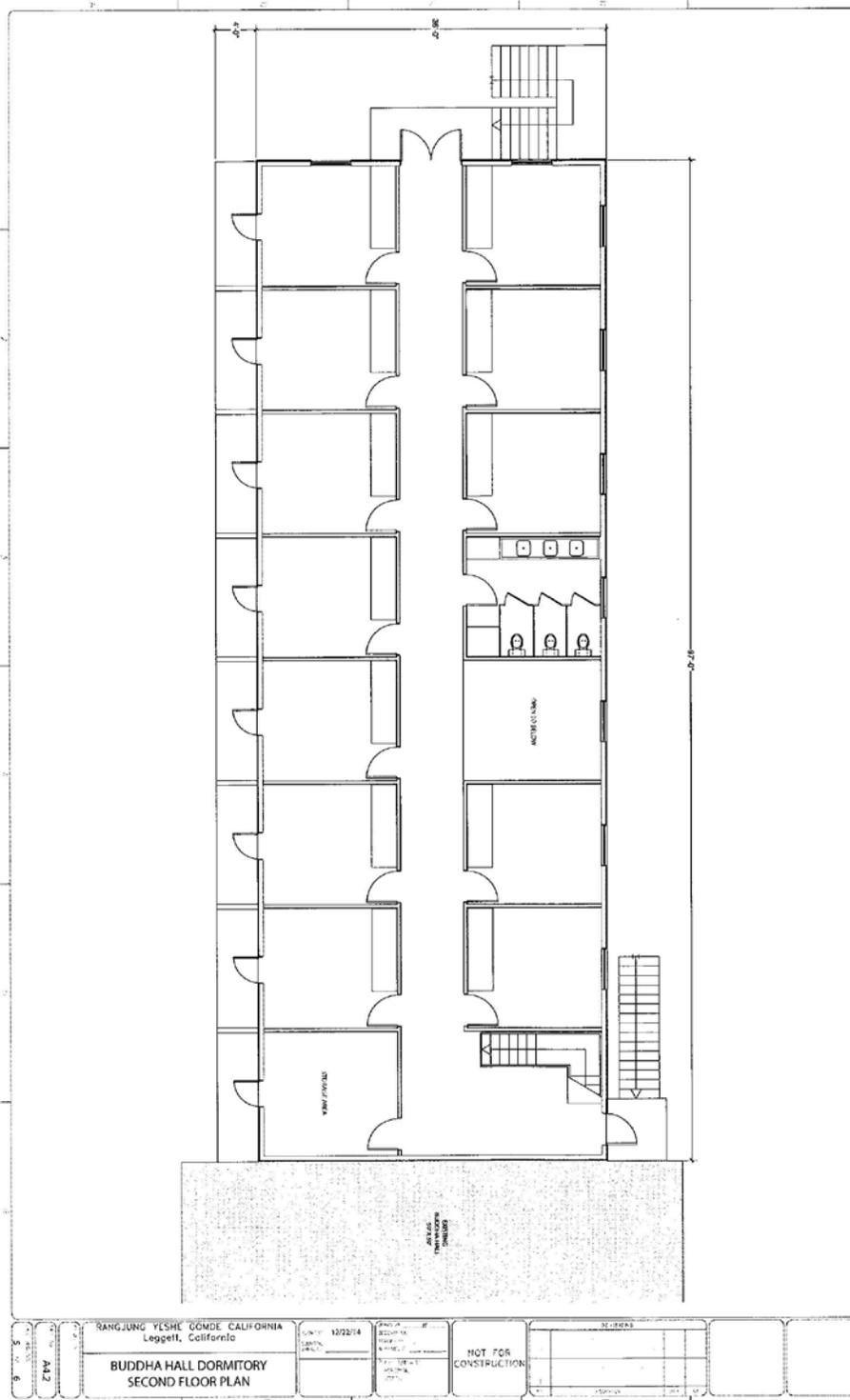


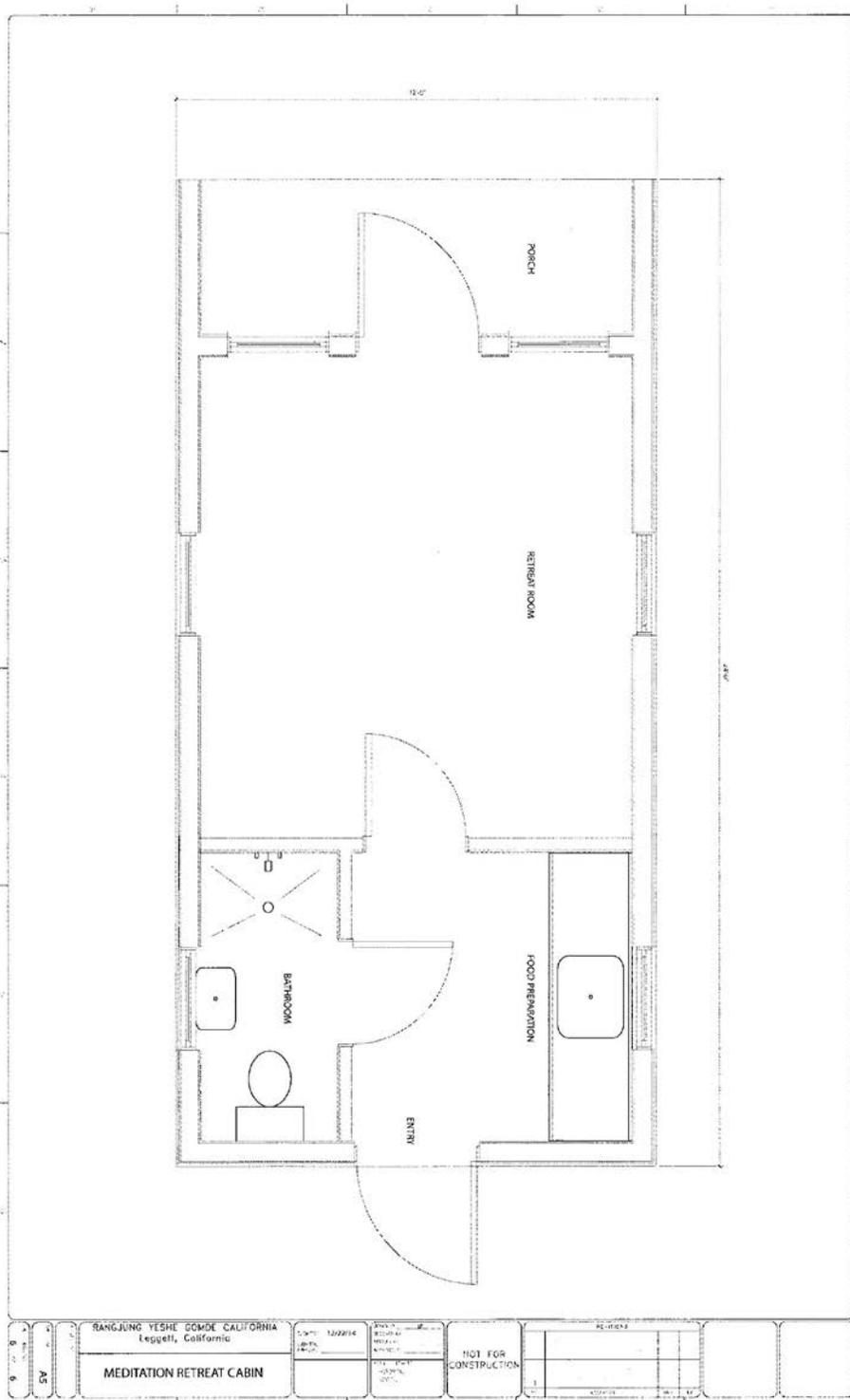
SITE PLAN

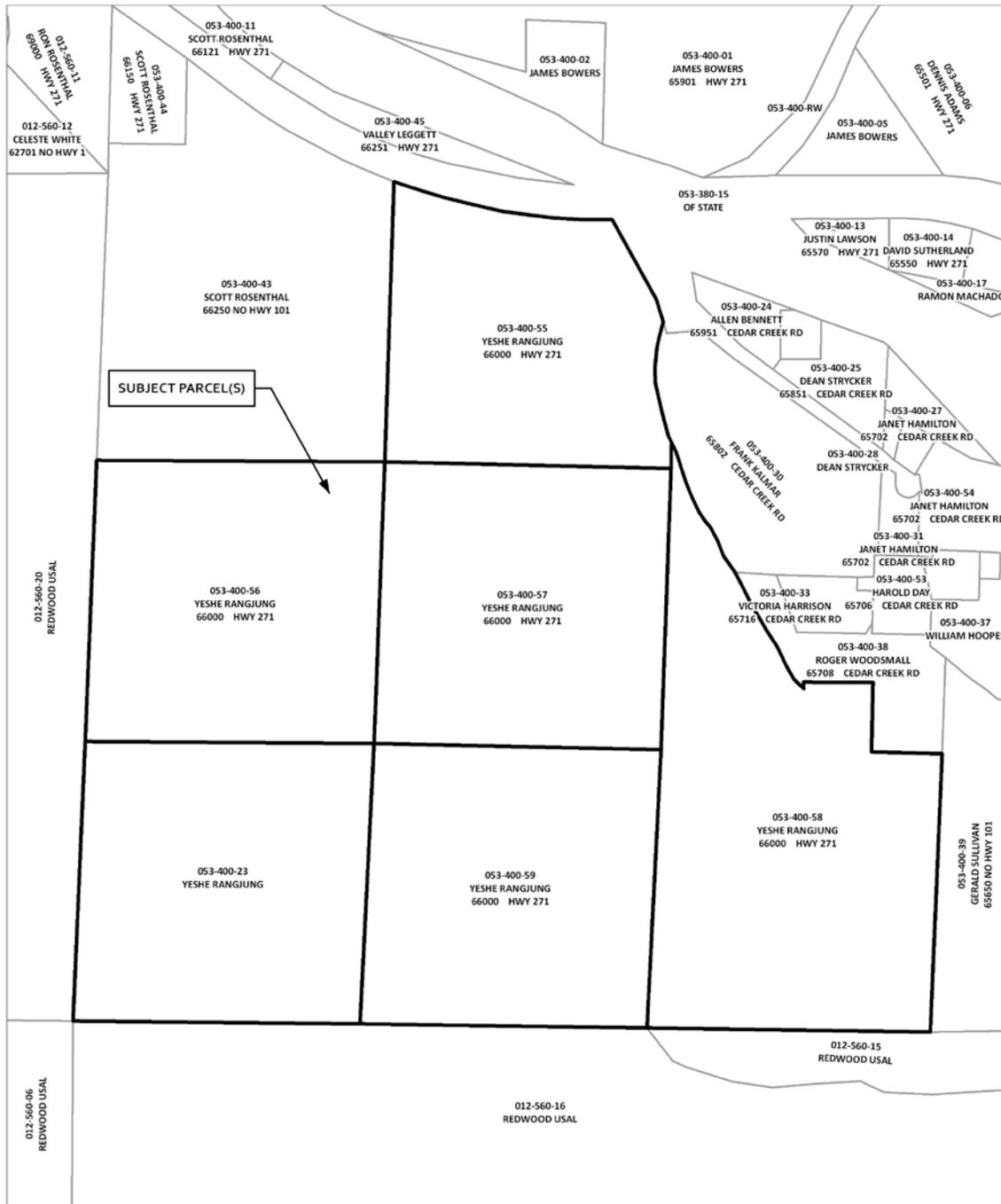
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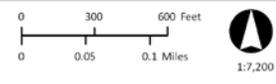






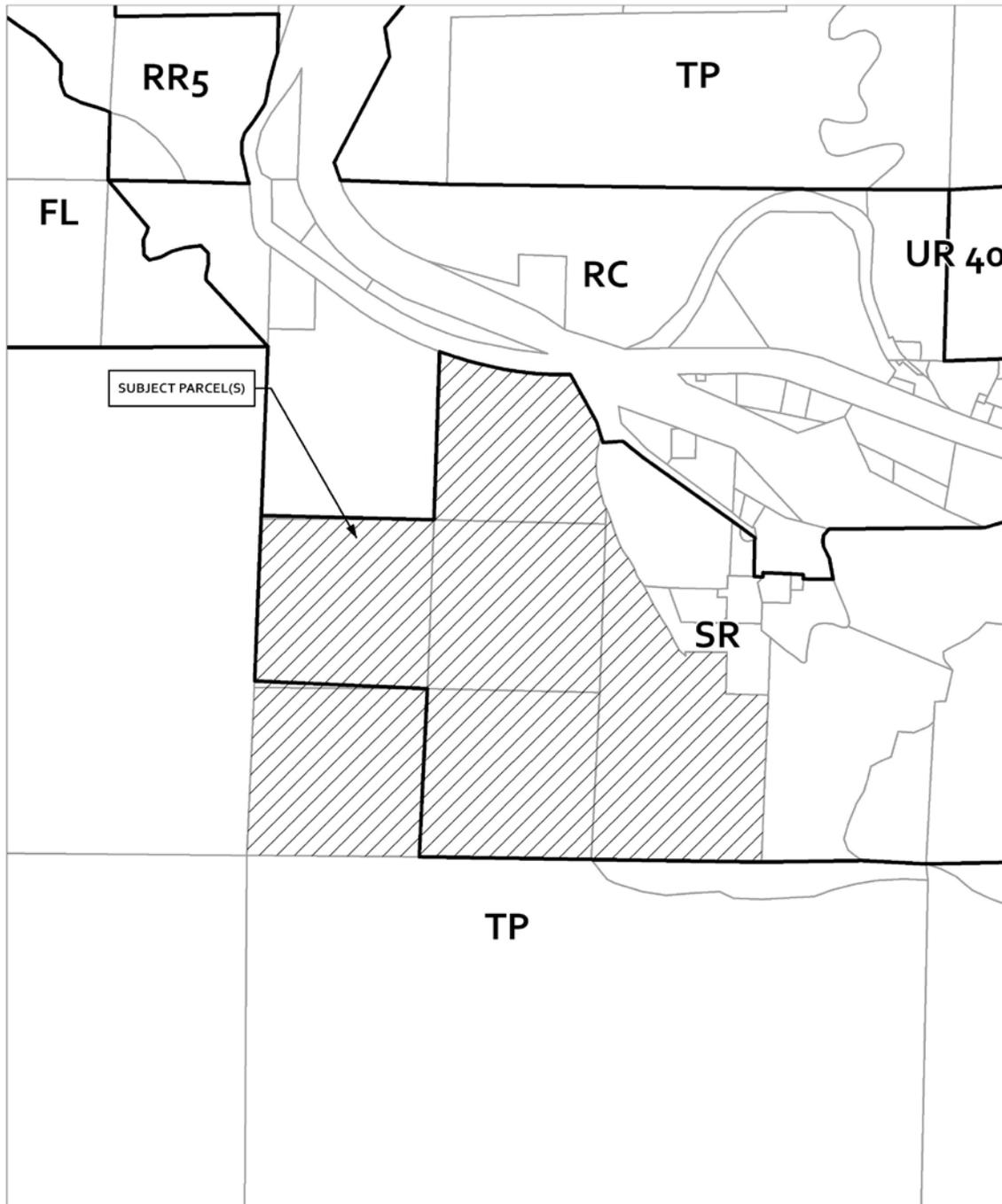


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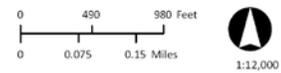


ADJACENT PARCELS

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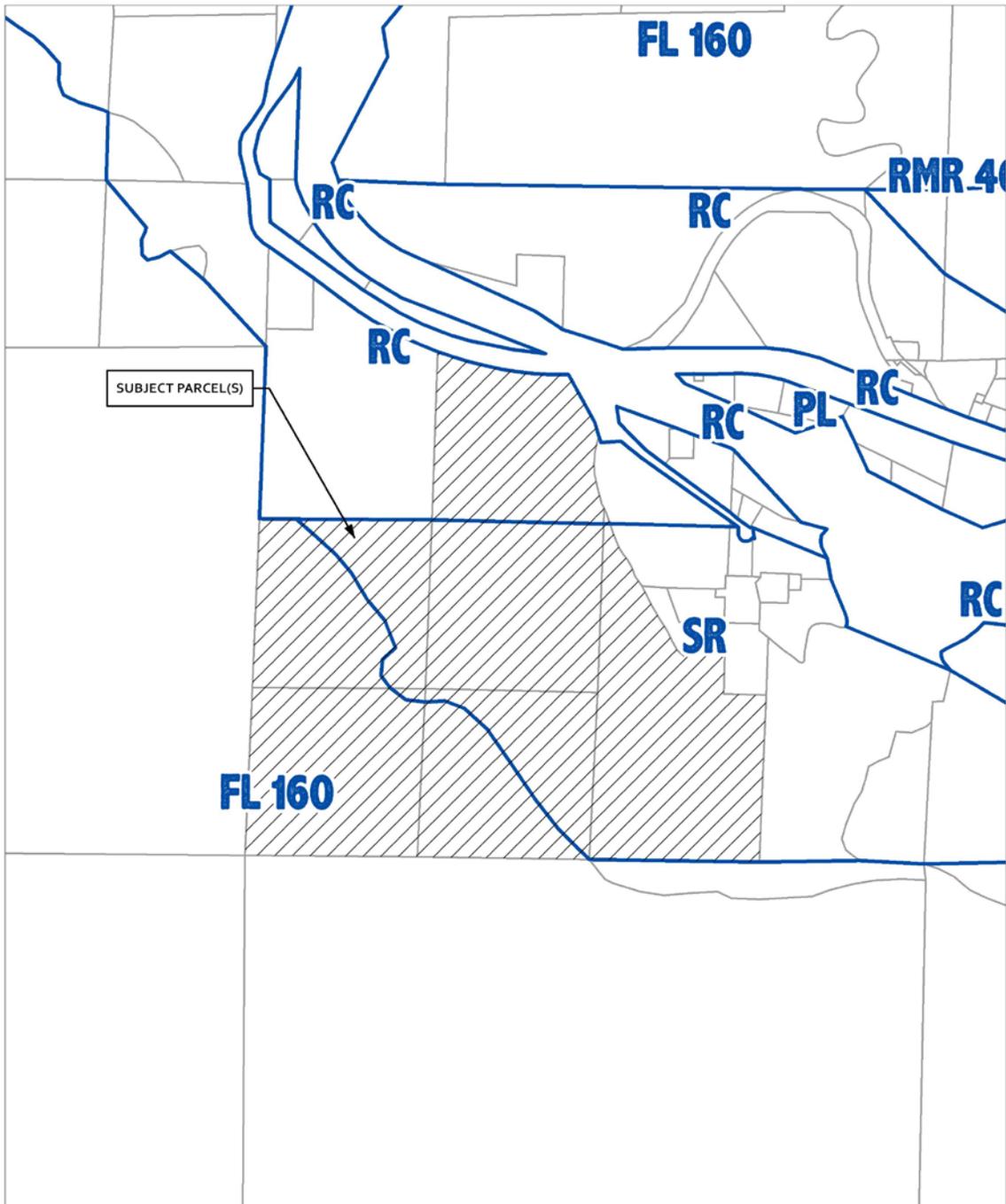


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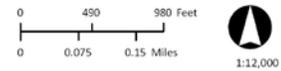


ZONING DISPLAY MAP

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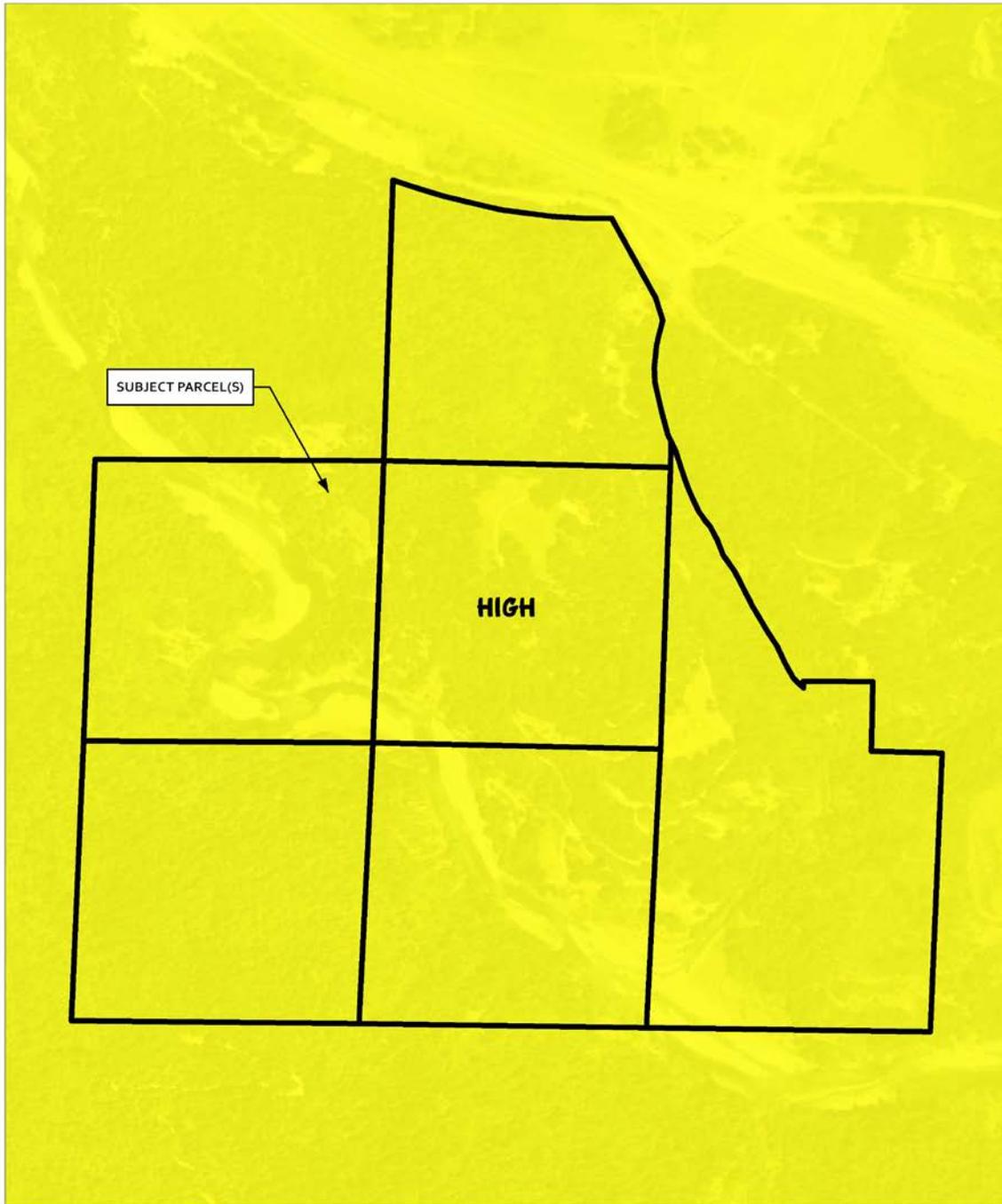


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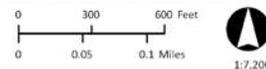
GENERAL PLAN CLASSIFICATIONS

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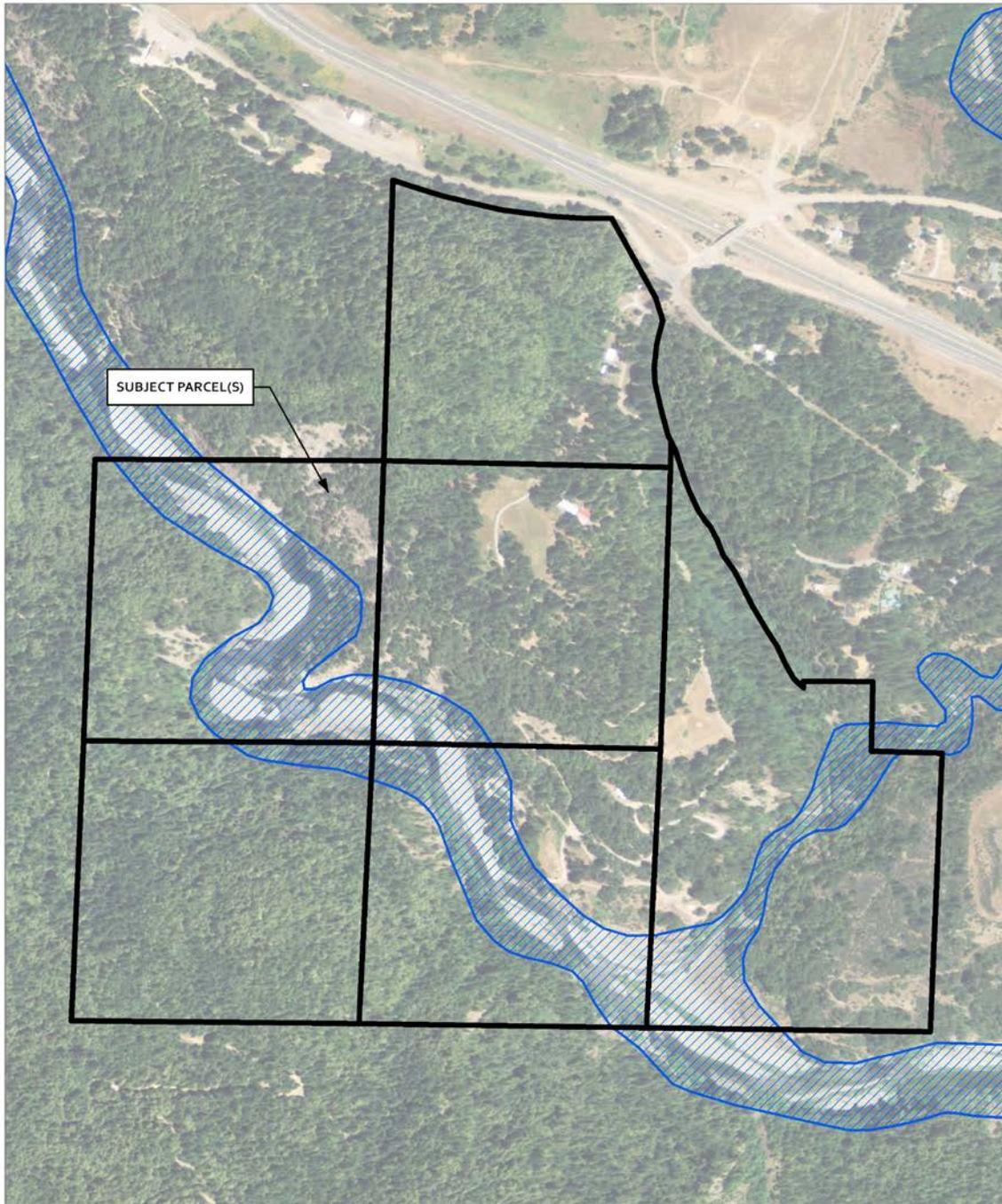
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 State Responsibility Areas



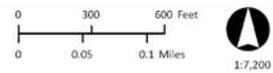
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
LEGGETT CSD

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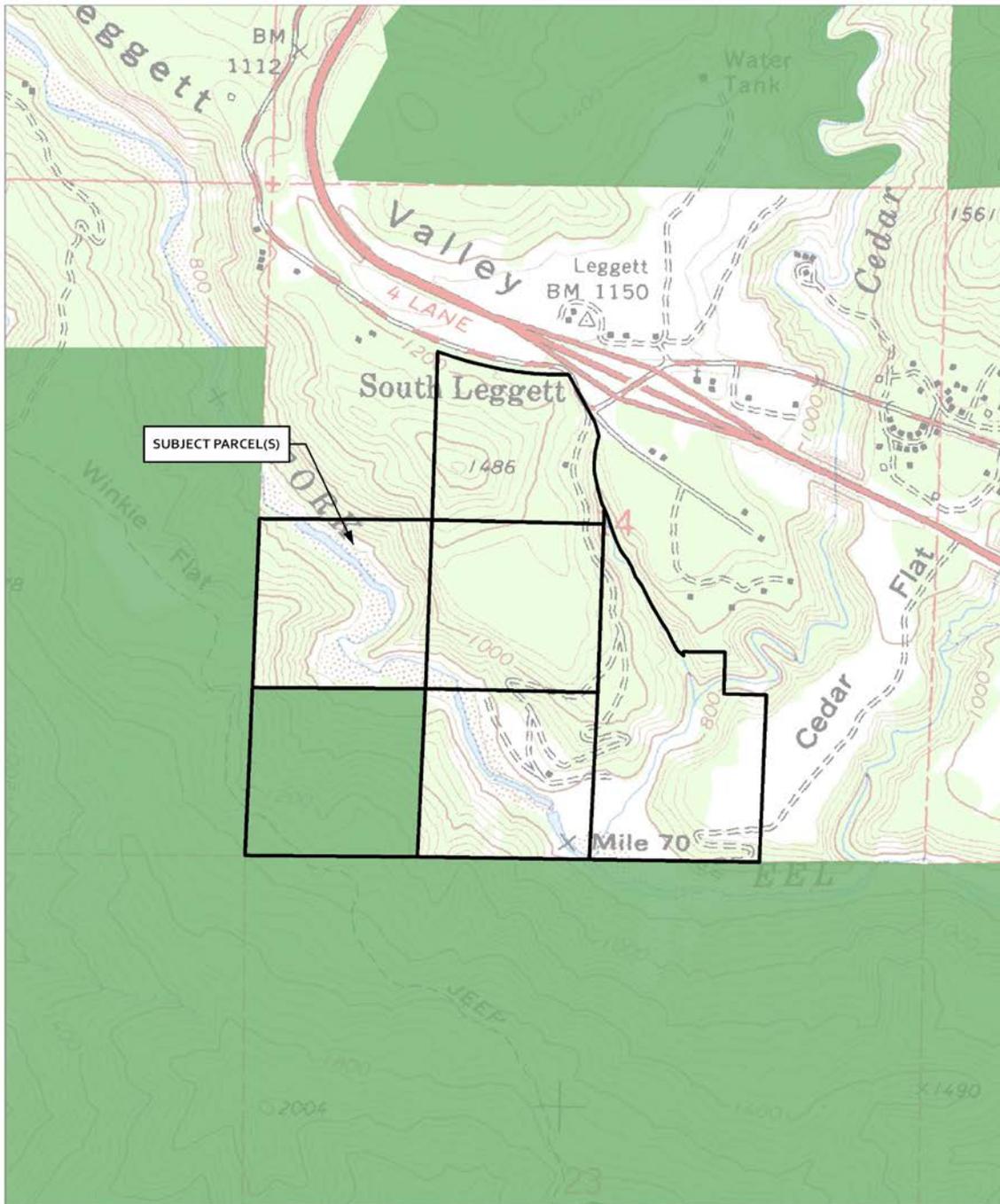
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 Flood Zone



FEMA FLOOD ZONE
NFIP MAPS, JUNE 2nd, 2011

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TPZ 2014



TIMBER PRODUCTION ZONES

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All spatial data is approximate. Map provided without warranty of any kind.

FIRE SAFETY AND EVACUATION PLAN

**PROPOSED MITIGATED NEGATIVE DECLARATION
#R 2013-0001/#U 2013-0001
MARCH 19, 2015**

PROJECT TITLE: RANGJUNG YESHE GOMDE, CA RETREAT CENTER

LEAD AGENCY: DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET
UKIAH, CA 95482

CONTACT: John Speka, Project Coordinator
707-234-6650

LOCATION: In Leggett, lying approximately one mile south of Leggett Community Center, south of Highway 271 (aka Drive Thru Tree Road), just west of its intersection with Highway 101, located at 66000 Drive Thru Tree Road, APN's 053-400-23, -55, -56, -57, -58 and -59.

OWNER/APPLICANT: RANGJUNG YESHE GOMDE, CA
PO BOX 162
LEGGETT, CA 95585

GENERAL PLAN: Forestland (FL), Rural Community (RC) and Suburban Residential (SR)

ZONING: Timberland Production (TP) and Suburban Residential (SR):Flood Plain (FP) Combining District

PROJECT DESCRIPTION: The applicant, Rangjung Yeshe Gomde California (RYG CA), proposes to rezone and obtain a Major Use Permit on a portion of a split zoned property that encompasses areas of Rural Community (RC), Suburban Residential (SR) and Timber Production (TP). The rezone would be a change from SR to RC of that portion of the property within the RC General Plan land use designation. It would also involve a Contract Rezone allowing for a text amendment to add the Transient Habitation-Resort and Recreational Facilities use type to the conditional uses permissible under contract to the portion of the property designated SR in the General Plan within a SR Zoning District.

The use permit would allow for the legal establishment and expansion of a religious organized camp as a Transient Habitation- Resort and Recreational Facilities use type which has existed on the site in some form or another over the past several decades. Additional land uses proposed as part of the project would include Religious Assembly and Retail Sales, the latter of which would involve only small scale, non-commercial sales of retreat related items (e.g. books, religious implements, etc.).

The project is to be phased over time beginning with an upgrade to the existing facilities and supporting infrastructure. This includes structures such as existing meeting halls, communal facilities, staff/teacher residences and storage buildings. The development of new facilities (e.g. cabins and camping areas) would constitute a second phase of the project. Overall, three types of facilities are proposed as visitor serving units totaling 8,000 square feet (sf) of development. Conversion of an existing barn into a two-story dormitory (7,000 sf) would make up the majority of the proposed development and several small cabins between 120 to 300 sf would make up the remainder of the proposed visitor serving units. Finally, the development of a 69-space campground is requested to accommodate additional visitors. The proposed facilities would be able to accommodate up to 150 attendees. An allowance is also requested for visitors in excess of that amount for certain occasional events that may attract additional interest.

SETTING: The property is located approximately one mile south of Leggett, lying to the south of Highway 271 (aka Drive Thru Tree Road) just south and adjacent to Highway 101. The property includes segments of the South Fork Eel River running south to north over the southwestern portion of the property, as well as Leggett Gulch and Cedar Creek, watercourses conjoining on the southeastern portion of the site. In general, the surrounding area is comprised of gentle to steep sloping forested lands, commercial uses (e.g. market, auto repair shop, motel and restaurant within a mile north) and low density residential development.

OTHER APPROVALS REQUIRED: Building Permits through Planning and Building Services to establish appropriate occupancies for existing structures.

ENVIRONMENTAL DETERMINATION:

DATE: MARCH 19, 2015
Environmental Checklist.
<i>"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i>
<i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.</i>

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology / Water Quality
<input checked="" type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier

analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DATE

JOHN SPEKA
PLANNER III

JS/at
February 5, 2015

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND): A Draft Initial Study and Proposed Mitigated Negative Declaration was prepared for the project which was used to identify potentially significant impacts pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15063. The document is available for review at the Ukiah office of the Department of Planning and Building Services.

1. Aesthetics:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>I. AESTHETICS.</u> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Aside from several structures near the entrance of the project area that are partially shielded by mixed woodland habitat along Highway 271, the project site cannot be seen from a public vantage point. The remaining acreage is fully obscured by thick stands of forested vegetation. Approval of the requested entitlement would involve mostly existing development with little additional development proposed.

Condition Number 1 will recommend that all lighting be shielded and downcast to minimize the potential for offsite glare. Visual impacts will be less than significant. No mitigation is required.

2. Agricultural/Forestry:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site does not lie within or adjacent to Agricultural Preserve/Williamson Act contracted property. However, the southwestern portion of the property (primarily those areas located across the Eel River) is zoned Timber Production (TP) with a General Plan classification of Forestlands encompassing this and additional adjacent portions along the western and southern perimeter (see Attachments). The following Resource Management policies of the County General Plan are applicable to the project:

Policy RM-123: *Discretionary projects and parcels created by new land divisions shall be designed and sized to be compatible with contiguous lands zoned Forestlands or Timberland Production.*

Policy RM-125: *The following guidelines shall apply to all projects (including land divisions) contiguous to lands designated as Forest Lands on the Land Use Map of this General Plan:*

- *The number of ownerships and land use intensities on adjacent parcels shall be minimized.*
- *Building envelopes, clustered development, and commercial, industrial, civic, and sensitive uses on non-resource lands shall be designed with buffers or setbacks. Buffers shall generally be defined as a physical separation of 200 feet with the potential for a reduced separation when a topographic feature, substantial tree-stand, landscaped berm, watercourse or similar existing or constructed feature is provided and maintained.*
- *Projects shall be designed to reduce growth-inducing impacts and maintain a stable limit to urban development.*
- *Potential conflicts related to noise, dust, chemicals, spraying, burning, vandalism and trespass, and other issues associated with forest management or timber operations shall be mitigated by the new discretionary project...*

All structures (existing or proposed) will be located on the east side of the Eel River (see Attachments) with the closest structure (R5- River House on the Site Plan) approximately 200 feet from the river-demarcated boundary line between Suburban Residential and Forestlands classifications. No development is proposed on the TP zoned portion of the property on the west side of the river which will be left in its natural state.

Comments were not received from the Forestry Advisor with respect to the proximity of TP zoned land. However, no conflicts with future timber activities on that portion of the property are foreseen given its location across the Eel River. As a result, the project is consistent with the above General Plan Policy RM-123. A recommended stipulation within the Contract Rezone would minimize the number of owners and land use intensities that could be developed by restricting future subdivision (see Condition Number 9), furthering the intent of Policy RM-125. Overall, impacts will not be significant with respect to agriculture or forestry in the area. No mitigation is required.

3. Air Quality:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Construction and grading involved with the project has the potential to impact air quality in the region. Given its remote nature as well as the low intensity of overall use relative to allowances within the Rural Community and Suburban Residential General Plan classifications (e.g. higher density residential, mobile home parks, commercial, mixed uses, etc.), the project is not expected to impact air quality in the region. A total of four new structures are proposed (combined with eight existing individual and/or communal structures). The County Air Quality Management District (AQMD) recommended approval without comment. Staff will recommend Condition Number 2 to ensure compliance with any AQMD permitting required with respect to potential renovation or demolition of existing structures. Potential impacts are expected to be less than significant in this area.

4. Biological Resources:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Project site improvements will include vegetation clearing and grading that will have the potential to impact biological resources in the area. A Botanical Survey was conducted for the project by J. George Strnad and Chris Hargreaves, during the spring and summer of 2012. According to the Survey, the site consists of forests of fir, madrone, redwood and oak and “are known to support populations of sensitive plant species with very limited distribution.” The study focused on five areas totaling approximately 51 acres where the improvement activities were to take place. Findings from the survey identified a small population of “glory brush” near one of the site’s camping areas.

Comments received from the California Department of Fish and Wildlife (CDFW) requested that in the event the plants were retained and left undisturbed as a part of the project, that their occurrence be reported to the agency and added to the California Natural Diversity Database (CNDDB) to update inventories within the region. Disturbance of the noted habitat area is not expected as a result of the project. Camping, hiking or other passive uses of the area in question are not expected to greatly impact the plant’s environment. Staff will recommend Condition Number 3 to ensure the request of CDFW has been met to its satisfaction. Overall, impacts from the project are expected to be held to a less than significant level. No mitigation is required.

5. Cultural Resources:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>V. CULTURAL RESOURCES.</u> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

According to the applicant, historical uses of the project site have included the location of a fire station (1920s), fish hatchery (1950s) and in more recent decades, a horse ranch, campground and mobile home park. An Archaeological Survey dated June 25, 2013 was prepared by Thad Van Bueren for the current project site.

The Survey was accepted by the County Archaeological Commission at its hearing of July 1, 2013, finding sensitive sites within the project area. Recommendations were included for protection of two of the identified sites as detailed within the Archaeological Survey. The applicant concurred with the recommended mitigations avoiding the noted sites. Staff will recommend Condition Number 4 requiring any future development to be reviewed against the Archaeological Survey to ensure continued avoidance of the identified region of the property. In addition, County Code Sections 22.12.090 and 22.12.100 (Discovery Clause) would continue to apply in the event that archaeological resources are encountered during any future excavation operations (see Condition Number 5). No further mitigation is required.

6. Geology and Soils:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VI. GEOLOGY AND SOILS.</u> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff does not anticipate any significant impacts from the project with respect to ground or soil resources aside from minor disruptions or displacement of the soil associated with future grading, road development or building. Building and septic requirements associated with soil stability and/or suitability will ensure standards can be met in those areas. Overall, impacts are not expected to reach a level of significance in this area. No mitigation is required.

7. Greenhouse Gas Emissions:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Production of greenhouse gases (GHG) as a result of the project will mainly come from transportation to and from the retreat facilities. The organization includes approximately 500 members, many attending the site only once a year. Significant daily traffic will not be generated as the majority of attendees remain onsite for the duration of their visit and local supplies or services can be had within a mile of the site. Given the relatively few visitors expected to arrive on an annual basis, the project is not expected to significantly increase GHG in the area. No mitigation is required.

8. Hazards and Hazardous Materials:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VIII. HAZARDS AND HAZARDOUS</u>				

<u>MATERIALS.</u> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Hazard risk associated with the project would mainly involve wildfire potential. The project site lies within an area designated as "Very High Fire Hazard," although within close proximity to a major highway and emergency services. The entrance of the site is located less than 400 feet from an off-ramp to Highway 101. In addition, a local volunteer fire department is located approximately 0.35 mile north of the entrance of the project site while the nearest California Department of Forestry and Fire Protection

(CalFire) station is located within three miles of the project site (the CalFire station operates during the fire season).

The subject property currently includes a centrally located 20,000-gallon water storage tank to be used for fire protection as well as fire risers for fire truck or hose access to water and other firefighting tools made available during fire season. In addition, operators of the retreat center have developed a Fire Evacuation Plan including fuel reduction and fire prevention strategies and establishing fire safe zones in case of emergencies (see Attachments). Condition Number 6 is recommended to ensure compliance with the plan.

Preliminary comments were received from CalFire requiring that address, driveway and defensible space standards be met and maintained. Staff will recommend Condition Number 7 to address the concerns of CalFire. As a result, impacts can be held to a less than significant level with respect to fire safety. No further mitigation is required.

9. Hydrology and Water Quality:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located within the South Fork Eel River watershed. Two smaller drainages located on the southeast portion of the site (Leggett Gulch merging with Cedar Creek) empty into the South Fork Eel River which cuts northwesterly across the property from the southeast to the northwest. With respect to an increase in surface runoff or soil displacement, impacts from the project are not expected aside from minor disruptions associated with future grading, road development or building.

Portions of the project site also lie within a Flood Plain (FP) Combining District which includes regions subject to Flood Plain Development regulations (County Code Chapter 20.120). However, the two new cabin structures proposed as part of the project do not lie within the 100 year Flood Zone as delineated by the Federal Emergency Management Agency (FEMA).

According to the application materials, water usage for the facility would come mainly from two spring sources, pumping and distribution piping to existing water storage systems. A spring located on the west side of the Eel River is piped to water storage tanks near the southern end of the facility which is

transferred (via booster pump) to three water tanks (two 8,500 gallon and one 2,500 gallon tanks) located at higher elevated regions at the north end of the site. A filtered distribution system is used to transfer water to several buildings or other areas as needed (e.g. fire stands, showers, etc.). Overflow from the western spring is stored in a centrally located 20,000 gallon tank and used for fire suppression. A Water Rights Entitlement Assessment dated August 13, 2012, was prepared for the applicant by Downey/Brand which found that the site “has the flexibility to divert water from any of the three water courses and both springs for use on any of its parcels. In addition to the springs and water courses, a well has been developed since 1998 near the “Buddha Hall” region of the property. This source, however, is only able to produce relatively small amounts of a few hundred gallons per day of poor water quality and is not suitable for potable uses.

Comments received from County Division of Environmental Health (DEH) noted that a standard water quality evaluation will be required for each of the water sources on site. The California Department of Public Health- Drinking Water Program (CDPH) provided additional comments stating that the facility’s water distribution design would not be considered a public water system if the number of days of operation were limited to 59 days or less for use by more than 25 people per day.

The applicant has chosen to restrict events or activities to fit within these parameters. As a result, the water distribution system would remain “unregulated” by CDPH and further permitting would not be required. A request has been included by the applicant that the entitlement allow for potential growth of the facility that could exceed these limits in the future. Staff recommends an annual accounting of event attendance be prepared and made available to Planning and Building Services (see Condition Number 8) to ensure that activities be held to the noted parameters. Documented increases of visitors in the future would require written permission from CDPH to ensure appropriately regulated water systems.

No significant impacts are expected to result from the project with respect to water quality or quantity. No further mitigation is required.

10. Land Use and Planning:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>X. LAND USE AND PLANNING.</u> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The request is for both a rezone and a use permit in order to entitle an existing retreat center. For purposes of clarity, the following is intended as a brief background on the relationship between the

subject General Plan Designations, Zoning Districts and allowable use types, beginning with a focus on designations and zoning.

Current and Proposed General Plan Designations and Zoning Districts- The property is divided between three General Plan designations (Rural Community (RC), Suburban Residential (SR) and Forestlands (FL)) and two zoning districts (Suburban Residential (SR) and Timber Production (TP)). The project site lies within the SR Zoning District which encompasses the majority of the property. Almost all of remaining portions that are zoned TP are located west of the Eel River and are not included as part of the project.

The current SR Zoning District is compatible with both RC and SR General Plan designations. However, only the northernmost portion of the property (see Attachments) is designated RC in the General Plan. This is the portion which the applicant is seeking to rezone to a likewise compatible RC Zoning District in order to obtain the Major Use Permit needed for the desired Transient Habitation use. Otherwise, SR zoning would not normally allow for the requested type of use.

Rezoning the noted northerly portion of the property to RC will not have a significant impact given the overall similarities between the SR and RC zoning districts. The primary difference between the two districts is a greater allowance for commercial uses within an RC District. While this could be considered an intensification of use as a result of the rezone, each of the commercial uses allowed within the RC District is subject to a Minor Use Permit which would require additional discretionary actions on a case by case basis before such uses would be able to take place. Significant impacts are therefore not expected from the rezoning of this portion of the property.

The remaining portions of the property lying to the south are designated SR in the General Plan. Because the RC Zoning District is not considered compatible with the SR General Plan Designation, these areas cannot be rezoned to RC without amending the General Plan. Therefore, the proposal intends to maintain the SR Zoning District on this portion of the property. However, because the Transient Habitation use type is not permitted in a SR Zoning District, the applicant proposes that a "Contract Rezone" be added to this portion of the property to allow for the proposed use to take place in conjunction with the use permit requested for the RC portion to the north. County Code Section 20.212.010(A) provides a means for the Planning Commission to recommend that the Board of Supervisors approve a rezoning subject to conditions (or, under a "contract") "where said conditions are necessary so as not to create problems inimical to the public health, safety, or general welfare of the County of Mendocino." In essence, the Contract Rezone component of the request is to add the Transient Habitation use type to the allowable uses within the SR zoned portion of the proposed split (RC/SR) zoned property.

Staff believes there to be potential benefits to both the applicant and the County from adding a Contract Rezone over the SR zoned portion of the property. The conditions set forth in the contract can be tailored in such a way as to allow for the retreat/resort use within the SR District while excluding more intensive uses of the property that would otherwise be allowed. For instance, the current zoning would potentially allow for subdivision of the nearly 200 acre portion of the project site into one acre lots (subject to discretion). Staff believes that a Contract Rezone could serve a dual purpose of allowing for the requested entitlement while ensuring low intensity development into the future. A contract is thus recommended to permit the Transient Habitation use type for the retreat facility on this portion of the property while including a restriction on any future subdivision of the property (see Condition Number 9). In this fashion, staff believes the intensity of use over the entirety of the property can be maintained to fit the current reality in the area as opposed to allowing for a potential increase in development that could be decades in the making if it were to happen at all in or around the Leggett community.

Overall, by imposing the noted contract, the rezoning would be able to minimize "problems inimical to the public health, safety, or general welfare of the County of Mendocino." Significant impacts are therefore not expected to result from the requested contract rezone.

Use Permit and Matters of Use Compatibility- According to the application materials, the current use (seeking official entitlement through this application) is for non-profit religious purposes, “which include seminars, teachings, workshops and personal retreats that range in duration from a weekend to a few weeks,” although personal retreats for individuals have lasted longer than a month on occasion. Additional features of the center include religious assembly, retail sales (both onsite and web based) of related items such as statues, paintings, textiles and reading materials for members of the organization, and dormitory, hut, camping and dining facilities. While non-membership visitors are welcome onsite to learn about the center, they are not allowed to stay or to use the facility for overnight visitation unless they are attending scheduled events.

Neither the General Plan nor the Zoning Code provide explicit examples of religious retreat centers. The closest fit under the County Code for the requested use would be “Transient Habitation- Resort and Recreational Facilities,” which is defined as follows:

"Transient habitation" means establishments primarily engaged in the provision of lodging services on a less than monthly basis with incidental food, drink and other sales and services intended for the convenience of guests...Resort services includ[e] the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, health spas, resort hotels and motels, guest ranch, inns or organized camps (County Code Section 20.024.135(D)).

County Code Section 20.008.046(E) defines (in relevant part) an organized camp as:

...[A] site with program and facilities established for the primary purpose of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives for five (5) days or more during one (1) or more seasons of the year.

The criteria to be used in identifying an organized camp are as follows:

- (1) Camp is located on a permanent site;*
- (2) Camp has a well-defined program of organized supervised activity in which campers are required to participate;*
- (3) There is present at the camp a qualified program director and a staff adequate to carry out the program;*
- (4) A major portion of daily program activities are out of doors;*
- (5) Establishments which rent or lease facilities on an individual, family, or group basis for the principal purpose of sporting or other unorganized recreational activities should be considered an organized camp...*

Other use types within the County Code which pertain to the request include the Civic Use Type “Religious Assembly” and another Commercial Use Type “Retail Sales, General.”

County Code Section 20.084.020 allows for Transient Habitation uses in a RC Zoning District subject to a Major Use Permit. As discussed above, the rezone would change the base zoning on the northernmost portion of the property from Suburban Residential (SR) to Rural Community (RC). “Religious Assembly” is also an allowed use in an RC District as is “Retail Sales, General,” subject to a Minor Use Permit. Both of these “secondary” use types would therefore be covered either by right or through the current discretionary review.

Allowance for the requested use is not expected to have a significant impact with respect to General Plan consistency. Policy DE-11 of the General Plan states that:

The Rural Community classification designates areas which are logical, planned centers for future growth. The Rural Community classification is intended to be applied to small, unincorporated towns and community centers (including areas in the Community Planning Areas) and to areas near City boundaries, which provide a variety of community and tourist-oriented goods and services but may not have well-defined or identifiable commercial or residential districts. This classification may also be appropriate around a central commercial or industrial nucleus.

The property is located in an area just south of the community of Leggett. Based on the underlying RC and SR General Plan Designations, the County believed this area to be a "logical" area for future growth. Along with the zonings put in place for those areas, subdivision potential could allow for one unit per 40,000 square feet. Realistically, however, that type of build out may not occur for some time if it occurs at all. Indeed, despite the classification and zoning, the adopted 2009 General Plan did not list this area along with other "community planning" areas expected to take on substantial amounts of growth during the lifespan of the General Plan such as the Ukiah Valley, Hopland or Boonville. The proposed rezone and use of the property could therefore serve as a much less intensive buffer between the small Leggett community and its rural surroundings. As a result, staff believes the request to be a reasonable proposal compatible with the General Plan.

As discussed above, the applicant also seeks the addition of a Contract Rezone to the SR zoned southern portion of the property in order that the requested use be allowed subject to the same permit proposed for the assumed RC zoned portion of the property.

Chapter 20.044 of the County Zoning Code defines the intent of the SR District as follows:

This district is intended to create and enhance neighborhoods where a mixture of residential, public facilities and services and community oriented commercial uses are desired. Typically the S-R District would be one in which a few specific types of convenience commercial services would be permitted in a residential area. Commercial uses are to be subordinate to the dominant residential character of the area. Areas designated Suburban Residential should be served by a publicly-maintained road network, and should be located within public service districts or logical extensions thereof.

The requested retreat/resort use of the site would be more of a "quasi- community oriented commercial use" of the property as opposed to one furthering the "neighborhood-creation" intent of the district. However, given the rural nature of the Leggett community as a whole, it can also be seen as a type of buffer between the "developed" town area, and its undeveloped surroundings. With the inclusion of the Contract Rezone, an increase in residential density would be precluded while further intensification of use on the site would be subject to the restrictions of the use permit.

Recognized Underlying Lots and Structures: The property consists of approximately 251 acres with multiple structures existing on the site. It is made up of five legal parcels as recently recognized by the County through the approval of Certificate of Compliance #CC 2012-0012. Per a letter from Planning and Building Services to the applicant dated May 3, 2011, a total of six dwelling units were recognized to exist on the property as legal non-conforming. Additional non-residential structures also exist, including various cabins, meeting halls and storage sheds. The exact location of each of the dwelling units with respect to recognized property lines is unclear, given the configuration of the legal lots established through #CC 2012-0012. It appears that four of the units occur near the south end of the property and two near the northerly entrance.

Staff believes that the requested use of the property (as proposed and subject to the requested rezonings and other entitlements) would conform to the general character of the surrounding rural area. However, as has been discussed throughout this section, a substantial intensification of use in the area would run counter to this overall setting in the region. The five currently recognized legal parcels could translate into a total of ten residential units by right and, as discussed above, the current SR zoning over the majority of the property could allow for further subdivision into one acre lots. Sale of one or more of the recently

recognized legal parcels would have the effect of dividing the use permit entitlement among multiple property owners. As a means of ensuring that the retreat/resort use is tied to only one property, staff recommends Condition Number 9 in which one parcel would be chosen at the time of a future transfer of one or more of the properties.

As a result, when combined with the proposed Contract Rezone stipulations precluding future subdivision of the project parcel, potential impacts would be less than significant with respect to land use conflicts in the area.

11. Mineral Resources:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XI. MINERAL RESOURCES.</u> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project proposal will not impact the unknown potential availability of mineral resources in the area. No mitigation is required.

12. Noise:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XII. NOISE</u> -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located on an approximately 250 acre property within a forested setting in a sparsely populated region of the County. While operated as a year round facility, the largest events are held during the summer months, and in total would not be occurring more than two to seven times a year. The largest of these “retreats and seminars” last less than two weeks and seldom attract over 100 visitors. Overall program attendance is fairly limited to available sleeping and/or dining room space. Noise from the increased attendance at the facility would not be significant. No mitigation is required.

13. Population and Housing:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIII. POPULATION AND HOUSING.</u> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Population growth and/or impacts to existing or future housing will not be impacted by the project. As noted above, a recommended stipulation within the Contract Rezone would minimize the number of owners and potential residential development by restricting future subdivision (see Condition Number 9). No mitigation is required.

14. Public Services:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIV. PUBLIC SERVICES.</u>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed above, potential fire hazard would increase the need for fire protection at the project site. However, the proximity of both the local volunteer department (approximately 0.35 mile) and the nearest California Department of Forestry and Fire Protection (CalFire) station (less than 3 miles) would lessen response times or distances. Additional fire prevention measures and safety plans will also help to mitigate potential impacts to public services. Staff will recommend Condition Number 10 to ensure adherence to fire safety requirements of both the local and State fire districts. As a result, impacts will be less than significant.

15. Recreation:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XV. RECREATION.</u>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

effect on the environment?				
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The proposed uses of the subject property would not substantially increase recreational activity at neighboring or regional facilities. No mitigation is required.

16. Transportation/Traffic:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is accessed off of Highway 271, also known as "Drive Thru Tree Road," with the entrance located just west of an exit from Highway 101. As result, project related traffic is not expected to have an impact on local or State road systems. Comments were not received from the California Department of Transportation (Caltrans).

No significant impacts are expected and no further mitigation is required.

17. Utilities and Service Systems:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u>				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts to existing or future utilities and service systems in this remote region of the County are not expected to result from the project. Comments received from the County Division of Environmental Health (DEH) recommended approval subject to standard water and septic design standards (see Conditions Number 11).

As discussed above under the “Hydrology and Water Quality” section, the California Department of Public Health- Drinking Water Program (CDPH) provided additional comments stating that the facility’s water distribution design would not be considered a public water system if the number of days of operation were limited to 59 days or less for use by more than 25 people per day. The applicant has chosen to restrict events or activities to fit within these parameters. Condition Number 8 has been recommended to ensure that activities be held to the noted parameters, with any future increases of visitors requiring written permission from CDPH.

As a result, impacts will be held to a less than significant level and no additional mitigation is required.

18. Mandatory Findings of Significance:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potential environmental impacts from the proposed uses of the project site have been analyzed in this document and mitigation has been included that ensures impacts can be held to a less than significant

level. Nor would individual impacts from the project significantly contribute to cumulative impacts in the area. Overall, no significant environmental impacts are anticipated which cannot be adequately mitigated. Therefore, a Mitigated Negative Declaration is recommended.

CONDITIONS OF APPROVAL: Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

Aesthetics

- ** 1. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. The number of exterior lighting fixtures shall be kept to the minimum required for safety.

Air Quality

- ** 2. The applicant shall comply with all regulations of the Mendocino County Air Quality Management District, including obtaining any required permits necessary for the site of this application.

Biological Resources:

- ** 3. The applicant shall contact the California Department of Fish and Wildlife (CDFW) to report all known occurrences of sensitive species noted in the Botanical Survey prepared for the project by J. George Strnad and Chris Hargreaves. Written verification from CDFW shall be submitted to the Department of Planning and Building Services that the noted occurrence has been recorded in the California Natural Diversity Database (CNDDDB).

Cultural Resources:

- ** 4. Any future development (i.e. grading, placement of structures, etc.) shall be reviewed against the Archaeological Survey prepared by Thad Van Buren dated June 25, 2013, to ensure continued avoidance of the sensitive region identified in the survey of the property.
- ** 5. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Hazards and Hazardous Materials:

- ** 6. The applicant shall adhere to the Fire Evacuation Plan prepared as part of the project including fuel reduction and fire prevention strategies and establishing fire safe zones in case of emergencies.
- ** 7. The applicant shall comply with those recommendations in the California Department of Forestry and Fire Protection (CALFIRE) letter of January 13, 2013 (CDF# 2-13), or other alternatives as acceptable to the CALFIRE. Written verification shall be submitted from the CALFIRE to the Department of Planning and Building Services that this condition has been met to the satisfaction of the CALFIRE.

Hydrology and Water Quality:

- ** 8. An annual accounting of event attendance shall be kept and made available to Planning and Building Services upon request. The accounting shall include the dates and durations of all events at the facility. Events involving more than 25 people per day shall be limited to 59 days or less a year. Should use of the facility exceed this limit, the applicant shall provide written verification from the California Department of Public Health- Drinking Water Program (CDPH),

that any and all requirements for a public water system have been met to the satisfaction of that agency.

Land Use:

- **9. A contract between the property owner and the County shall be executed allowing for the Transient Habitation- Resort and Recreational Facilities use type to occur within the Suburban Residential zoned portions of the property on which the existing retreat/resort has been developed. Said contract shall be binding upon the successors and assignees of the owners of APN's 053-400-56, -57, -58 and -59. Future expansion shall be restricted to the current boundaries established through this entitlement with a maximum number of attendees not to exceed 20% (approximately 30 additional overnight accommodation structures) without a modification to the use permit. The entitlement shall be tied to only one of the five recognized parcels upon future transfer of one or more of the properties. Upon such transfer, failure to notify Planning and Building Services which of the parcels has been chosen to continue with the entitlement will result in the entitlement running solely with the RC zoned parcel (APN 053-400-55).

The SR:CR zoning shall cover the entirety of the portion of property zoned SR. However, the existing retreat/resort shall only be permitted within the boundaries established through the subject entitlement. The contract shall stipulate the following items:

- a) The Transient Habitation- Resort and Recreation use type shall be permitted within the SR:CR zoned portion of the property confined to the area established through this entitlement. An exhibit map shall be provided to Planning and Building Services delineating the boundary of the retreat/resort including all areas of structural development, camping, event and gathering areas, water sources and primary and secondary septic fields.
- b) No future subdivision of the SR:CR zoned property shall be allowed.

Public Services:

- ** 10. Written verification of compliance with any applicable fire safe regulations shall be provided from CalFire and the Leggett Fire Protection Department to the Department of Planning and Building Services.
- ** 11. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding adequate water supply and wastewater disposal.

Standard Conditions:

12. 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 \$2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of approval by the Board of Supervisors. Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
13. 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 one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

14. 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.
15. 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.
16. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2013-0001.
17. The applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
18. 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.
19. 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. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. 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.

20. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.

Mitigated Negative Declaration
Use Permit Appeal Fee: \$910.00
Appeal period: 10 days

** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Negative Declaration.

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

Said zoning change encompasses the property described by Assessor's Parcel Number AP# 053-400-55 which is reclassified from Suburban Residential (SR) to Rural Community (RC) as shown on attached Exhibit A.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2015, by the following vote:

AYES
NOES:
ABSENT:

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

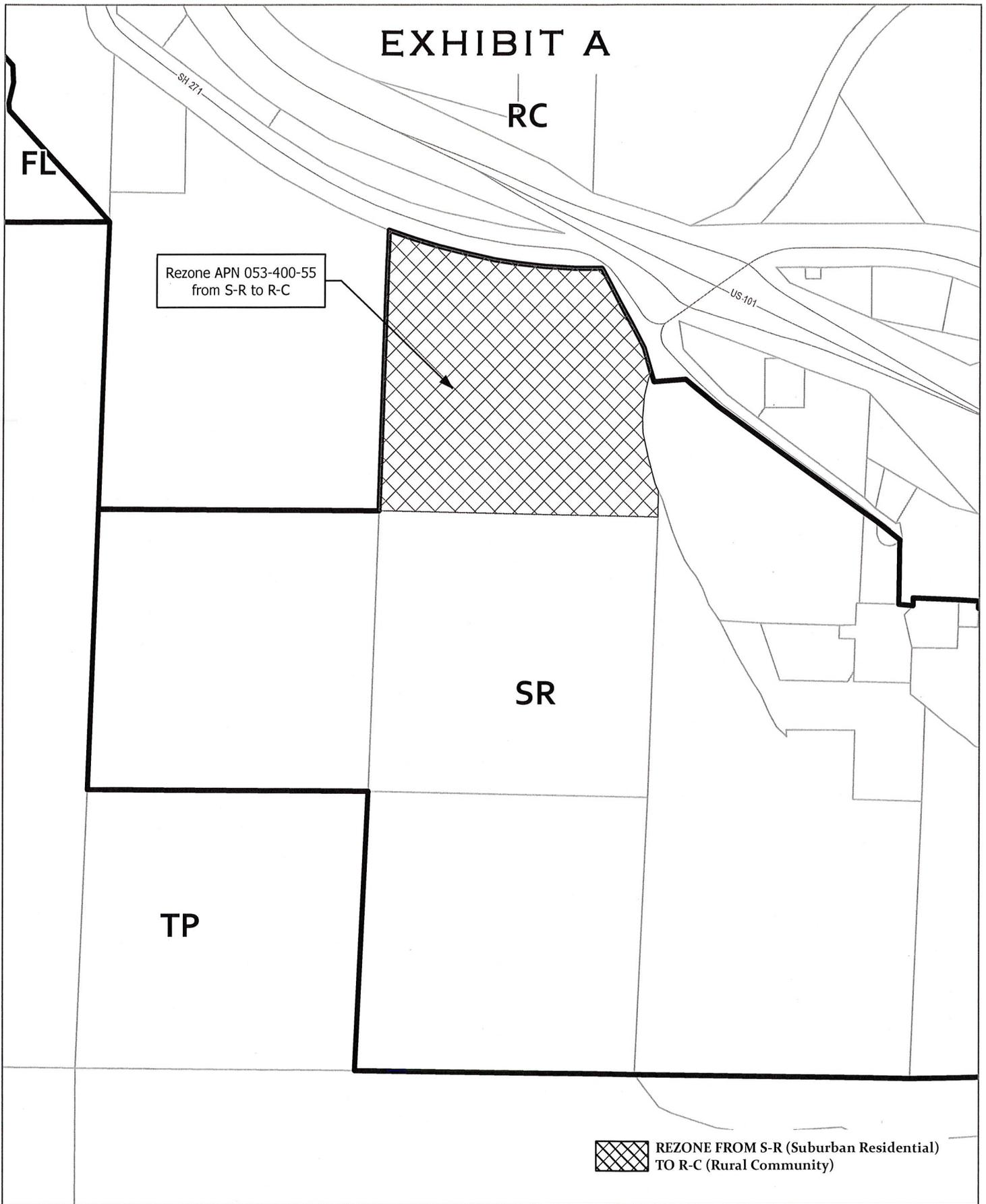
Chairman of said Board of Supervisors

ATTEST: CARMEL ANGELO
Clerk of said Board

By _____

CASE#: R_2013-0001
OWNER: Rangjung Yeshe Gomde California

EXHIBIT A

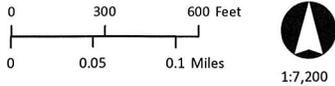


Rezone APN 053-400-55
from S-R to R-C

 REZONE FROM S-R (Suburban Residential)
TO R-C (Rural Community)

CASE: R 2013-0001 / U 2013-0001
OWNER: Rangjung Yeshe Gomde CA
APN: 053-400-23, 55 thru 59
GP/BZ: Varies / Varies
ADDRESS: 66000 Hwy. 271, LE

Public Roads



REZONE EXHIBIT

Map produced by the Mendocino County Planning & Building Services, February, 2015
All spatial data is approximate. Map provided without warranty of any kind.

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

Said zoning change encompasses the property described by Assessor's Parcel Number AP# 053-400-56, -57, -58, and -59 which is reclassified from Suburban Residential (SR) to Suburban Residential:Contract Rezone (SR:CR) as shown on attached Exhibit A and further stipulated in the conditions of the Contract Rezoning, Exhibit B.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2015, by the following vote:

AYES
NOES:
ABSENT:

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

Chairman of said Board of Supervisors

ATTEST: CARMEL ANGELO
Clerk of said Board

By _____

CASE#: R_2013-0001/U_2013-0001
OWNER: Rangjung Yeshe Gomde California

EXHIBIT A

RC

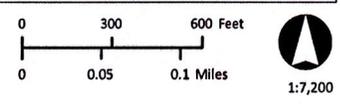
SR

TP

Rezone APNs 053-400-556, 57, 58, 59
from S-R to S-R:CR

XXXX REZONE FROM S-R (Suburban Residential)
TO S-R:CR (Suburban Residential, Contract Rezone)

 Zoning Master



CASE: R 2013-0001 / U 2013-0001
OWNER: Rangjung Yeshe Gomde CA
APN: 053-100-23, 55 thru 59
APLCT:
ADDRESS: 66000 Hwy. 271, LE

REZONE EXHIBIT

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.

RECORDING REQUESTED BY:
County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

AND WHEN RECORDED MAIL TO:
County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS
(Section 27281.5 of the Government Code)

IN CONSIDERATION OF the adoption by the Board of Supervisors of an ordinance amending Title 20 of the Mendocino County Code so as to add Ordinance Number _____ and thereby rezone Assessor's Parcel Numbers 053-400-56, -57, -58 and -59 as follows:

Assessor's Parcel Numbers 053-400-56, -57, -58 and -59 are reclassified from SR:FP to SR:FP:CR as referenced in Ordinance #_____.

Rangjung Yeshe Gomde California hereby warrants that they are the owners of the foregoing property, and Agree and Promise to comply with the following conditions pursuant to Section 27281.5 of the California Government Code.

CONDITIONS

The following conditions must be fulfilled prior to the establishment a permitted use:

- a) The Transient Habitation- Resort and Recreation use type shall be permitted within the SR:CR zoned portion of the property confined to the area established through this entitlement. An exhibit map shall be provided to Planning and Building Services delineating the boundary of the retreat/resort including all areas of structural development, camping, event and gathering areas, water sources and primary and secondary septic fields.
- b) No future subdivision of the SR:CR zoned property shall be allowed.

IT IS AGREED that the forgoing agreement and promise shall constitute a deed restriction and shall run with the land and constitute an equitable servitude and restrictive covenant.

In the event of non-compliance with the aforesaid conditions, consent is hereby given that the aforesaid property may be rezoned in compliance with Government Code.

Sections 65853, et seq., and shall be subject to other action authorized by the Mendocino County Code.

IT IS FURTHER AGREED that this contract shall be binding upon the successors and assignees of the owners of land known as Assessor Parcel Numbers 053-400-56, -57, -58 and -59, more particularly shown in the attached Exhibit A, and shall be effective only after it is signed by the owners and verified by the County of Mendocino.

Rangjung Yeshe Gomde California

DATE

ACKNOWLEDGEMENT

STATE OF CALIFORNIA
County of Mendocino

On the _____ day of _____, 2015, before me, the undersigned a Notary Public, in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
