

Resolution Number _____

County of Mendocino
Ukiah, California

March 18, 2021

U_2020-0002 GETAWAY HOUSE, INC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING APPROVAL OF A MAJOR USE PERMIT.

WHEREAS, the applicant, Getaway House, Inc. filed an application for a Major Use Permit with the Mendocino County Department of Planning and Building Services to establish a Resort and Recreational Facility, 3.1 ± miles east of Hopland town center, lying on the east side of Old Toll Road (CR 108), immediately south of its intersection with State Highway 175 (SH 175), and identified by the following Assessor Parcel Numbers (APNs: 048-270-23, -24, & a portion of -22.); General Plan RL160; Zoning RL:160; Supervisorial District 5; (the "Project"); and

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration (IS/MND) dated April 2020 (State Clearinghouse Number 2020040111) was prepared for the Project by LACO Associates, was reviewed by County Staff, and was noticed and made publicly available for agency and public review from April 10, 2020 to May 11, 2020 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, following circulation of the Draft IS/MND and the receipt of nine (9) comments, substantial revisions were made to the project proposal and the Draft IS/MND; and

WHEREAS, in accordance with State CEQA Guidelines section 15073.5 recirculation of a Revised Draft IS/MND dated October 2020 was required due to the substantial revisions made in response to comments received during the public review period, but prior to the adoption of the document; and

WHEREAS, a Revised Draft Initial Study and Mitigated Negative Declaration dated October 2020 (State Clearinghouse Number 2020040111) was prepared for the Project by LACO Associates and was noticed and made publicly available for agency and public review from October 21, 2020 to November 23, 2020 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, the Revised Draft Initial Study and Mitigated Negative Declaration dated October 2020 was reviewed by County staff and reflects the independent judgment and analysis of County staff; and

WHEREAS, a Notice of Intent to Adopt the Mitigated Negative Declaration (State Clearinghouse Number 2020040111) was prepared for the Project and noticed. The Notice of Intent to Adopt and the Mitigated Negative Declaration were made available for additional agency and public review on February 25, 2021 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 18, 2021, at which time the Project was heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and

the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings on the basis of the whole record before it:

1. **General Plan Findings:** The subject properties are classified Range Lands (RL) under the Mendocino County General Plan. The proposed use related to recreation and transient habitation is consistent with the 2009 General Plan's Principals and Policies, as the enjoyment of the outstanding scenic, recreational and natural qualities found throughout Mendocino County require long-term supportive economic and social systems that ensure the highest and best use of the land. The stated intent of the rangeland designation is to preserve lands for the grazing of livestock, production and harvest of natural resources and the protection of those "lands from the pressures of development and preserve them for future use as intended", while identifying recreation as one of the intended uses in Range Land designated parcel. Other General Plan Policies that support the proposal include DE-123, DE-148, DE-190, DE-203 and Resource Management Policies RM-17 and RM-61, which provide restrictions to development. The emphasis of compatibility between recreation and environmental resources has been applied to this project to encourage employment opportunities consistent with General Plan that support the County's resource-based economy while taking actions to protect and enhance its diverse natural environment.

2. **Zoning Findings:** The subject property is zoned Rangeland, 160-Acre Minimum (RL:160) for which similar commercial endeavors have been approved within unincorporated Mendocino County. The project, which comprises Transient Habitation — Resort and Recreational Facilities, is consistent with the allowed uses for the Rangeland Zoning District subject to a Major Use Permit per Section 20.060.025(C) of the Mendocino County Code.

3. **Use Permit Findings:**

a. The establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan.

The project would establish a commercial Transient Habitation - Resort & Recreational Facility that is consistent with the General Uses described for Rangeland (RL) parcels per General Plan Policy DE-17. Furthermore, the operation and stewardship of this property will ensure the protection of on-site resources aligning it with governing principals of the 2009 General Plan. Protection and enjoyment of the outstanding scenic, such as those found on this subject property, for recreation require long-term supportive economic and social systems, which is further described by Principle 2-1b of the County's General Plan.

b. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The project site is accessed via a private internal gravel roadway network from State Route 175. The Mendocino County Department of Transportation (MCDOT) and CalFire have reviewed the project and have provided conditions to ensure appropriate site improvements are facilitated. Additional conditions have been recommended by the Mendocino County Division of Environmental Health related to septic capacity and the State Water Board related to proper drainage and drinking water. Correspondence from the Hopland Fire Protection District indicates that they have reviewed the application materials, including the Site Plan dated January 30, 2020, and the revised Project Description dated October 15, 2020. Both CALFIRE and the Hopland Fire

Protection District indicate that the proposed project design is in compliance with the applicable standards and is appropriately conditioned. All the above agency conditions have been incorporated into the project Conditions of Approval. With the incorporation of these conditions, this finding can be made.

- c. Such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

The project site is located near the Town of Hopland, approximately 3 miles east along Highway 175. The site while vacant features a considerable internal road network, but there exist established vineyards and one residential improvement nearby on sizeable parcels. With the application of protective and operational conditions, such as the prohibition on events, required signage, noise restrictions, it is not anticipated that the project will engender a public nuisance, or be detrimental to the general welfare of nearby land-uses or residents, and therefore, this finding can be made.

- d. Such use preserves the integrity of the zoning district.

The granting of a Major Use Permit to authorize the proposed Transient Habitation – Resort and Recreational Facility per Section 20.060.025(C) of the Mendocino County Code is in conformance with the Rangeland (RL) zoning district. The requested activity would not undermine the integrity of the zone, as the use of the Rangeland Zoning district for Resort and Recreational Facilities is well-understood within unincorporated portions of Mendocino County, and previously permitted on similarly zoned properties elsewhere in the County. Furthermore, Policy RM-62 discourages the development and conversion of rangeland to intensive agriculture in areas where slopes are demarcated, which is a feature of this subject property (See U_2020-0002 Map – Estimated Slope). It is understood that the agricultural value of this property is limited by acreage, adjacent uses, and topography. Furthermore, the majority of adjacent parcels are protected under existing Williamson Act Contracts (See U_2020-0002 Map – Williamson Act), limiting potential pressures of this requested land-use. Additionally, a review of area indicates a mixture of commercial and industrial activities in the vicinity of the subject property, including the Vintage Wine Estates production facility, commercial ‘Tasting Rooms’, as well as the Nacomis Indian Rancheria featuring the Hopland Sho-Ka-Wah Casino. With the incorporation of Conditions of Approvals to guide development, this finding can be made.

BE IT FURTHER RESOLVED that the Planning Commission hereby finds that there is no substantial evidence that the Project, subject to the mitigation measures specified in the Mitigated Negative Declaration, will have a significant effect on the environment and adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit “B”. This certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Major Use Permit subject to the Conditions of Approval in Exhibit “A” and Mitigation Monitoring and Reporting Program in Exhibit “B”, attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other materials which constitutes the record of proceedings upon which

EXHIBIT A

CONDITIONS OF APPROVAL

U_2020-0002 (GETAWAY HOUSE)

MARCH 18, 2021

APPROVED PROJECT DESCRIPTION: A Major Use Permit request to facilitate development of a 'Resort and Recreational Facility' for up to 45 operator-owned micro-cabin Recreational Vehicles (RVs) for transient-habitation.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by "*"):**

STANDARD CONDITIONS OF APPROVAL:

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two (2) years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. 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.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
4. 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, and any such revocation shall proceed as specified in Title 20 of the Mendocino County Code:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

5. 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.
6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The requirements set forth in the below noted letters shall be adhered to. Said letters are on file with the Department of Planning and Building Services:

- a. County of Mendocino Department of Transportation (DOT): March 5, 2020
- b. CalFire: December 17, 2020
- c. Mendocino County Addresser: February 18, 2020
- d. Hopland Fire Protection District: December 16, 2020

AIR QUALITY:

7. The access road, driveway, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Regulation 1 Rule 430 (Fugitive Dust Emissions). All grading must comply with AQMD Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.
8. Driveways and parking areas on the site shall be surfaced with gravel or other material sufficient to control dust and provide a durable all-weather surface.

BIOLOGICAL RESOURCES:

9. No existing trees or vegetation located on the subject property shall be removed for the creation of any walking path or pedestrian-trail. Additionally, no planted trees or vegetation, except on receiving the advice of a registered arborist or qualified tree-care professional, shall be removed in areas designated for oak regeneration. This condition shall remain in effect for the life of the project.
10. The Applicant shall install signage along each walking path or trail that requires visitors to remain on marked paths and avoid areas identified for Oak regeneration. Prior to arrival guests shall be advised as to the need to remain on designated trails and within visitor accommodation areas.
11. Any natural screening or privacy plantings between visitor accommodation units shall consist of only trees and shrubs native to inland Mendocino County oak woodlands, ideally consisting of species observed within the parcel. Species to avoid include those identified in the California Invasive Plant Council's database, which is accessible at: <http://www.cal-ipc.org/paf>. Plantings will ideally consist of native plants compatible with the adjacent plant communities, or Oak replacements. Prior to planting, species will be approved by the Department of Planning and Building Services in conjunction with the California Department of Fish and Wildlife to ensure appropriate selections. To the extent feasible, plants selected for planting shall be of local genetic stock. If not feasible, source of plantings shall be disclosed.
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 Wildlife 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 \$ 2,530.25 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within ten (10) days of approval.** Any waiver of the fee shall be on a form issued by the California Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.
13. Construction or earthwork for improvements (i.e. road widening for fire protection, building conversion, etc.) require standard Best Management Practices (BMPs), including construction fence, silt fence, or straw wattles employed to reduce construction-related impacts.

14. ** [BIO 1] If construction, including vegetation removal is proposed to occur during the nesting season for grasshopper sparrows and for raptors and passerines (February 15 through August 31), the work shall be preceded by a pre-construction nest survey encompassing the proposed areas of disturbance and the surrounding area (no less than 100 feet from the proposed areas of disturbance, where possible) conducted by a qualified biologist within 5 days of the start of construction, including vegetation removal. If an active nest of a resident or migratory bird, including raptors, is found, a construction buffer shall be established around the nest in consultation with CDFW staff and shall remain in place until fledging is completed or until it is determined that the nesting effort has failed, as determined by the qualified biologist. If no active nests are found, construction, including vegetation removal, shall proceed.
15. ** [BIO 2] If construction, including vegetation removal, is proposed within woodland habitat during the maternity roosting season for bats (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed by a qualified biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) within 14 days of the start of construction, including vegetation removal. If active roosts are discovered, a buffer of no less than 50 feet around the active roost shall be established by the qualified biologist. Removal may occur once active roosting ceases, as determined by the qualified biologist. Trees felled at any time of year shall remain intact (i.e. not chipped) for 24 hours to allow dispersal of roosting bats.
16. ** [BIO 3] Due to the proposed impacts to on-site ephemeral drainages, the project applicant shall obtain a Section 404 Clean Water Act (CWA) permit through the U.S. Army Corps of Engineers for impacts to waters of the United States, a Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board (NCRWQCB), and a Section 1602 Lake or Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) for impacts to the stream corridor (defined by CDFW as the top of bank plus the outer edge of the dripline of riparian vegetation). These permits shall be obtained prior to issuance of grading permits and implementation of the project and will identify conditions the Applicant will implement. Conditions shall include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio.

The Applicant shall design the project such that it will not result in a loss of functions and values of waters of the United States or State through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined by the resource agencies. The Applicant shall design the project to limit the obstruction of and human intrusion into the riparian area of the on-site ephemeral drainages, to the extent feasible. Where crossings of the ephemeral drainages are necessary, the crossings shall use open bank areas lacking dense vegetation, where possible. If it is determined, through obtaining an Approved Jurisdictional Determination through the USACE, that the aquatic resource features on the project site are not jurisdictional under the Clean Water Act, then the Section 404 CWA permit and Section 401 WQC may not be required.

Compensatory mitigation may consist of: (1) providing on-site compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity in a location at or adjacent to the impact site; (2) providing off-site compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity at another location, usually within the same watershed as the permitted impact; (3) obtaining credits from a mitigation bank; and/or (4) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities. The Applicant retains responsibility for the implementation and success of the mitigation project. Evidence of compliance with this mitigation measure shall be provided prior to initiating construction and grading activities for the project.

17. ** [BIO 4] The final development plans shall emphasize design that limits tree loss and concentrates development in woodland openings and grassland habitat to the extent practical. Prior to any development activity or the issuance of grading permits, the Applicant shall prepare an Oak Mitigation and Monitoring Plan (Oak MMP) that includes information gleaned from the provided Oak Tree Inventory and Narrative document.

- i. **Replanting and maintaining oak trees.** Oak trees proposed for removal shall be replaced at the following ratios:

- 5 to 11-inch dbh – 6:1
- 12 to 18 dbh – 8:1
- 18+ dbh – 10:1

The Oak MMP shall identify oak species included in the inventory and number of each species for each dbh category. The Oak MMP shall identify performance standard for replanting stock (i.e., size of saplings to be planted for each dbh category, species composition, source of trees). To the extent feasible, mitigation shall be on-site to recreate and eventually re-establish the oak woodland habitat lost by the implementation of the proposed project. Replanted trees shall be planted in areas deemed appropriate by the Oak MMP, considering the locations of the micro-cabin RV pads, trails, access roads and utilities. Trees planted shall be protected from disturbance by occupants of the Site using split rail or “state-park” style fencing to ensure encroachment into areas to be protected are limited.

If on-site mitigation is not feasible, the Applicant shall propose and receive approval from the County of Mendocino Department of Planning and Building Services (PBS) for the location of off-site mitigation. The following information shall be provided for off-site mitigation:

- Location
- Responsible parties
- Timeframe of mitigation activities

Location of off-site mitigation shall be approved by PBS prior to issuance of project permits. Approval of the location shall describe how the location is appropriate to support oak woodlands mitigation activities and continuance of those activities/plantings including long-term management, performance criteria monitoring, reporting, and the mechanism to protect and manage the mitigation in perpetuity. Replanted oak trees shall be maintained for five (5) years after at least two (2) consecutive years without irrigation or other major human intervention after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained as described above for three (3) years after the new oak trees are planted.

The Oak MMP shall include a monitoring plan that includes identification of a watering system, a ten (10) year Monitoring and Reporting Schedule with monitoring occurring in years 1,2,3,5,7, and 10, and reporting requirements to ensure the success of the newly planted oak trees on the subject property.

- ii. **Establishing conservation easements.** Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of PBS or his/her designee.
- iii. **Contributing funds for off-site oak woodlands conservation.**
- iv. **Designation and protection of natural recruitment areas.** The Oak MMP shall identify natural recruitment areas, if any, to be established in areas where no development is proposed. Natural recruitment areas shall be identified on the final development plans and where occupants of the Site will be discouraged from encroaching. Split-rail or “state-park fencing” shall be used to discourage encroachment by occupants of the Site and enhance natural recruitment of oaks and oak habitat. Natural recruitment may satisfy a portion of the requirement for the replacement of oak trees to be removed, if it can be demonstrated in the Oak MMP that the natural recruitment area will be as successful, if not more successful, as the planting of new oak trees at re-establishing oak woodland habitat at the Site.

- The removal of oak trees 12 inches or more in diameter at breast height that are determined by a qualified arborist to have poor health or poor structure shall be exempt from compensatory requirements.
- c) Construction activities shall avoid excavation beneath the driplines of oak trees for all oak trees that have not been approved for removal as part of the Oak MMP, to the extent feasible. In areas where improvements beneath the driplines of oak trees may be necessary, trails and roadways shall limit actual excavation and implement structural erosion control measures (for example, utilize rolling dips in place of water bars). Oak Tree protection measures for trees to be retained within 50 feet of the proposed areas of disturbance shall be included in construction specifications.

Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and limit compaction of the soil, unless authorized by Oak MMP.

- v. **TIMING:** The Oak MMP and final development plans shall be provided to and approved by the Mendocino County Department of Planning and Building Services (PBS) prior to the issuance of grading permits and implementation of the project.

18. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented for the proposed project that identifies BMPs to be utilized to minimize pollutant discharges from a construction site. A copy of the SWPPP shall be provided to Planning and Building Services prior to the submittal of any building permit applications.
19. BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities shall be employed to prevent sediment and other pollutants from reaching surface waters or leaving the site in storm water runoff. BMPs may include scheduling ground disturbing activities to occur during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.
20. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses. Signage will indicate prohibitions of accessing or entering watercourses.
21. The applicant shall obtain all necessary permits through the County Building Division prior to undertaking any grading or construction activity.
22. The perimeter of the site shall be clearly identified, and shall be posted in a clear fashion to limit access beyond the approved visitor accommodation units, trails and parking areas. Signage shall include the prohibition of feeding or interfering with any wildlife that is encountered.
23. At all times, no person owning or having charge, care, custody or control of any dog shall be allowed unless such dog is restrained by a leash not more than six feet in length and under the control of a competent person able to restrain such dog.

CULTURAL RESOURCES:

24. ****[CUL-1]** In addition to the standard Discovery Clause included on all projects, a note shall be placed on all grading plans that the applicant/operator shall notify the Hopland Band of Pomo Indians prior to any ground disturbance, and agree to open the Site to the tribe for monitoring during subsurface construction in order to ensure appropriate treatment of any artifacts uncovered.

25. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of MCC Chapter 22.12.090 "Discoveries" relating to archaeological discoveries have been satisfied.

HAZARDS AND HAZARDOUS MATERIALS:

26. Best Management Practices regarding the proper storage and handling of hazardous materials and hazardous wastes should be employed. A Hazardous Materials Management Plan (HMMP) is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 lbs (solids), or 200 cubic feet (gases) in quantity.
27. Prior to arrival the Applicant shall provide information informing visitors of the required fire safety policies and evacuation procedures. Appropriate signage, fire safety and evacuation documentation shall be provided within each unit.
28. ** [HAZ-1] Signs shall be posted on-site to inform guests that campfires are only permitted within the installed fire pits.
- vi. Campfires are only permitted in accordance with CALFIRE guidance; On-Site Staff are responsible for the enforcement of these restrictions, and shall remove any provided materials or firewood in conjunction with CALFIRE guidance; clear guidance will be provided prohibiting other behaviors, such as smoking or cooking, that could engender additional risk.
29. ** [HAZ-2] A fire safety and evacuation plan shall be developed in accordance with California Fire Code (CFC) Chapter 4, including 403.10.1 for R1 occupancies and 403.13 for Organized Camps, shall be prepared. The fire safety and evacuation plan shall be provided to and approved by the Mendocino County Department of Planning and Building Services, CalFire, and the Hopland Fire Protection District (HFPD) prior to occupancy of the Site: **TIMING:** The applicant shall submit said emergency plan for review and acceptance by the Hopland Fire Protection District (HFPD) and CalFire. Prior to issuance of Building Permits, evidence of acceptance of the plan by HFPD and CalFire shall be submitted to PBS.
30. Site plans shall be provided to the California Department of Forestry and Fire Protection (CalFire) and the Hopland Fire Protection District (HFPD) which show the following:
- a. Location of adequately sized driveways and turnarounds.
 - b. Location of on-site water storage, as requested by the HFPD.
 - c. Location(s) of building(s) with occupancy load(s), which are subject to "assembly occupancy" codes.
- TIMING:** Prior to issuance of Building Permits, the applicant shall provide proof that the revised site plans have been submitted, reviewed and accepted by CalFire and HFPD.
31. The project will be required to facilitate a minimum 10,000 gallons of water storage on-site for firefighting purposes, as requested by the Hopland Fire Protection District together with CAL FIRE. Compliance with conditions related to addressing, signage, driveway construction, and defensible space around structures were provided by CALFIRE for the project on January 15, 2020.
32. The Applicant shall abide by all "Conditions of Approval" outlined in the approved CALFIRE (#12-20) document per Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Sub-Chapter 2, Articles 1 thru 5 (SRA Fire Safe Regulations).

HYDROLOGY AND WATER QUALITY:

- 33. Adequate on-site wastewater disposal shall be provided for the structures and RVs. **TIMING:** Prior to issuance of Building Permits, this requirement shall be demonstrated to the satisfaction of the Division of Environmental Health.

TRANSPORTATION/CIRCULATION:

- 34. A Commercial Driveway Approach shall be constructed at each proposed entrance onto Old Toll Road (CR 108), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
- 35. Applicant shall apply double chip seal surfacing to Old Toll Road (CR 108) from State Highway 175 to site entrance. Prior to applying chip seal, dig outs and patch repairs shall be performed where needed, as determined by Mendocino County Department of Transportation staff.
- 36. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

WASTE MANAGEMENT:

- 37. Prior to issuance of Building Permits, the applicant shall submit a Construction Waste Management Plan for review and acceptance by the Department of Planning and Building Services.
- 38. Prior to final inspection of the first building permit associated with the project, the applicant shall contract with a commercial solid waste disposal service to provide disposal services. The applicant shall provide documentation of the contract for review and acceptance by the Department of Planning and Building Services.
- 39. No trash or material may be exposed, and doors to refuse containers must be kept closed and latched with a wildlife proof mechanism except when loading or removing refuse. If damaged, allowing access by wildlife, repairs must be made within 72 hours.

USE PERMIT CONDITION ACKNOWLEDGEMENT:

- 40. To ensure the terms and conditions of this use permit are understood by the applicant, an acknowledgement form shall be submitted to the Department of Planning and Building Services. **TIMING AND REQUIREMENTS:** Prior to commencement of use authorized under Use Permit U_2020-0002 or issuance of any building permits associated with said Use Permit, the applicant shall submit a signed statement acknowledging the review and full understanding of all terms and conditions associated with project approval and ongoing condition compliance.
- 41. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

COMMERCIAL BUILDING PERMIT REQUIREMENTS:

- 42. Plans for new structures, buildings and/or remodeled structures or buildings shall be prepared by a design professional licensed in the State of California. All plans shall be prepared in accordance with current California Building and Fire Codes to the satisfaction of the Building Division.

SPECIAL EVENTS:

- 43. Entertainment Events or Religious Assembly as described in Mendocino County Code 20.168.020 are prohibited.

PARKING:

- 44. All parking associated with the project shall be fully provided within the boundaries of the project site and in compliance with all accessibility regulations (to the satisfaction of the Building Division). Parking within any public right-of-way shall be prohibited.
- 45. For sites designated as 'Walk-In', parking shall be limited to those spaces affiliated with the designated visitor accommodation unit. Guests shall be advised as to parking limitations, as parking within any public right-of-way is prohibited, as well parking on any internal roadway or non-designated parking space.

EXTERIOR LIGHTING:

- 46. All future external lighting, whether installed for security or safety, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the property. A lighting plan identifying the type, location and height of proposed lighting fixtures shall be provided. **TIMING:** The lighting plan shall be provided prior to commencement of use authorized under Use Permit U_2020-0002 or issuance of any building permits for structures associated with said Use Permit.
- 47. Exterior lighting shall be limited to permitted structures and visitor units. The Applicant shall refrain from including lighting along pathways or trails for landscape design purposes.

BUSINESS LICENSE:

- 48. Prior to final inspection of the first building permit associated with the project or commencement of operations, the applicant shall submit a copy of their valid Mendocino County Business License to PBS. This license shall be kept active and in the event the license is inactive for a period of one (1) year or longer, the Use Permit (U_2020-0002) and business will automatically expire.

BUILDING PERMIT SUBMITTAL:

- 49. All Conditions of Approval, including Mitigation Measures, shall be provided on all construction drawings submitted to the Mendocino County Department of Planning and Building Services. The Conditions of Approval shall be placed on the cover page of the complete construction drawings.

EXHIBIT B

MITIGATION MONITORING & REPORTING PROGRAM

U_2020-0002 (GETAWAY HOUSE)

MARCH 18, 2021

EXHIBIT B

Mitigation Monitoring and Reporting Program, revised October 20, 2020
 County of Mendocino
 Getaway House, Inc. Major Use Permit

Impact	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
<p>Biological Resources</p>	<p>BIO-1: If construction, including vegetation removal is proposed to occur during the nesting season for grasshopper sparrows and for raptors and passerines (February 15 through August 31), the work shall be preceded by a pre-construction nest survey encompassing the proposed areas of disturbance and the surrounding area (no less than 100 feet from the proposed areas of disturbance, where possible) conducted by a qualified biologist within 14 days of the start of construction, including vegetation removal. If an active nest of a sensitive bird species is found, a construction buffer shall be established around the nest in consultation with CDFW staff and shall remain in place until fledging is completed or until it is determined that the nesting effort has failed, as determined by the qualified biologist. If no active nests are found, construction, including vegetation removal, shall proceed.</p>	<p>Applicant/ Contractor</p>	<p>County of Mendocino, CDFW, and Qualified Biologist</p>	<p>Prior to construction/ During construction</p>
	<p>BIO-2: If construction, including vegetation removal, is proposed within woodland habitat during the maternity roosting season for bats (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed by a qualified biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) within 14 days of the start of</p>	<p>Applicant/ Contractor</p>	<p>County of Mendocino and Qualified Biologist</p>	<p>Prior to construction/ During construction</p>

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	<p>construction, including vegetation removal. If active roosts are discovered, a buffer of no less than 50 feet around the active roost shall be established by the qualified biologist. Removal may occur once active roosting ceases, as determined by the qualified biologist.</p>			
	<p>BIO-3: Due to the proposed impacts to on-site ephemeral drainages, the project applicant shall obtain a Section 404 Clean Water Act (CWA) permit through the U.S. Army Corps of Engineers for impacts to waters of the United States, a Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board (NCRWQCB), and a Section 1602 Lake or Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) for impacts to the stream corridor (defined by CDFW as the top of bank plus the outer edge of the dripline of riparian vegetation). These permits shall be obtained prior to issuance of grading permits and implementation of the project and will identify conditions the Applicant will implement. Conditions shall include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio.</p> <p>The Applicant shall design the project such that it will not result in a loss of functions and values of waters of the United States or State through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined by the resource agencies. The Applicant shall design the project to limit the</p>	<p>Applicant</p>	<p>County of Mendocino, CDFW, NCRWQCB, and USACE</p>	<p>Prior to site preparation and construction</p>

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	<p>obstruction of and human intrusion into the riparian area of the on-site ephemeral drainages, to the extent feasible. Where crossings of the ephemeral drainages are necessary, the crossings shall use open bank areas lacking dense vegetation, where possible. If it is determined, through obtaining an Approved Jurisdictional Determination through the USACE, that the aquatic resource features on the project site are not jurisdictional under the Clean Water Act, then the Section 404 CWA permit and Section 401 WQC may not be required.</p> <p>Compensatory mitigation may consist of: (1) providing on-site compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity in a location at or adjacent to the impact site; (2) providing off-site compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity at another location, usually within the same watershed as the permitted impact; (3) obtaining credits from a mitigation bank; and/or (4) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities. The Applicant retains responsibility for the implementation and success of the mitigation project. Evidence of compliance with this mitigation measure shall be provided prior to initiating construction and grading activities for the project.</p>			
	<p>BIO-4: The final development plans shall emphasize design that limits tree loss and concentrates development in woodland openings and grassland</p>	<p>Applicant</p>	<p>County of Mendocino</p>	<p>Prior to construction/ During construction</p>

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	<p>habitat to the extent practical. Prior to any development activity or the issuance of grading permits, the Applicant shall prepare an Oak Mitigation and Monitoring Plan (Oak MMP) that includes:</p> <ol style="list-style-type: none">1. An inventory of oak trees within the project areas identified as oak woodlands that are proposed to be impacted during construction or that are located within 20 feet of the proposed areas of disturbance. The inventory shall include the location, size, and species of all oak trees over 12 inches in diameter, measured at approximately 4.5 feet in height. This inventory shall include oak trees to be removed and those to be preserved within the specified areas.2. The removal of all oak trees 12 inches or more in diameter at breast height shall be mitigated by one or more of the following:<ul style="list-style-type: none">o Replanting and maintaining oak trees. Oak trees proposed for removal shall be replaced at a minimum 3:1 mitigation ratio. To the extent feasible, mitigation shall be on-site to recreate and eventually re-establish the oak woodland habitat lost by the implementation of the proposed project. If on-site mitigation is not feasible, the Applicant shall propose and receive approval from the County of Mendocino Department of Planning and Building Services (PBS) for the			
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	<p>location of off-site mitigation. Replanted trees shall be planted in areas deemed appropriate by the Oak MMP, considering the locations of the micro-cabin RV pads, trails, access roads, and utilities. Trees planted shall be protected from disturbance by occupants of the Site using split rail or "state-park" style fencing to ensure encroachment into areas to be protected are limited. Replanted oak trees shall be maintained for a period of three years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for three years after the new oak trees are planted. The Oak MMP shall include a monitoring plan that includes identification of a watering system, a three year Monitoring and Reporting Schedule, and reporting requirements to ensure the success of the newly planted oak trees.</p> <ul style="list-style-type: none">o Establishing conservation easements. Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of PBS or his/her designee.			
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	<ul style="list-style-type: none">○ Contributing funds for off-site oak woodlands conservation.○ Designation and protection of natural recruitment areas. The Oak MMP shall identify natural recruitment areas, if any, to be established in areas where no development is proposed. Natural recruitment areas shall be identified on the final development plans and where occupants of the Site will be discouraged from encroaching. Split-rail or "state-park fencing" shall be used to discourage encroachment by occupants of the Site and enhance natural recruitment of oaks and oak habitat. Natural recruitment may satisfy a portion of the requirement for the replacement of oak trees to be removed, if it can be demonstrated in the Oak MMP that the natural recruitment area will be as successful, if not more successful, as the planting of new oak trees at re-establishing oak woodland habitat at the Site.○ The removal of oak trees 12 inches or more in diameter at breast height that are determined by a qualified arborist to have poor health or poor structure shall be exempt from compensatory requirements.			
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	<p>3. Construction activities shall avoid excavation beneath the driplines of oak trees for all oak trees that have not been approved for removal as part of the Oak MMP, to the extent feasible. In areas where improvements beneath the driplines of oak trees may be necessary, trails and roadways shall limit actual excavation and implement structural erosion control measures (for example, utilize rolling dips in place of water bars). Oak Tree protection measures for trees to be retained within 50 feet of the proposed areas of disturbance shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and limit compaction of the soil, unless authorized by Oak MMP.</p> <p>The Oak MMP and final development plans shall be provided to and approved by the Mendocino County Department of Planning and Building Services (PBS) prior to the issuance of grading permits and implementation of the project.</p>			
<p>Cultural Resources</p>	<p>CUL-1 In addition to the standard Discovery Clause included on all projects, a note shall be placed on all grading plans that the applicant/operator shall notify the Hopland Band of Pomo Indians prior to</p>	<p>Applicant/ Contractor</p>	<p>County of Mendocino and Hopland Band of Pomo Indians</p>	<p>Prior to construction/ During construction</p>

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	any ground disturbance, and agree to open the Site to the tribe for monitoring during subsurface construction in order to ensure appropriate treatment of any artifacts uncovered.			
Hazards and Hazardous Materials	HAZ-1: Signs shall be posted on-site to inform guests that campfires are only permitted within the installed fire pits.	Applicant/ Contractor	County of Mendocino	Prior to project operation
	HAZ-2: A fire safety and evacuation plan shall be developed in accordance with California Fire Code (CFC) Chapter 4, including 403.10.1 for R1 occupancies and 403.13 for Organized Camps, shall be prepared. The fire safety and evacuation plan shall be provided to and approved by the Mendocino County Department of Planning and Building Services, CalFire, and the Hopland Fire Protection District (HFPD) prior to occupancy of the Site.	Applicant	County of Mendocino, CalFire, and HFPD	Prior to project operation
Tribal Cultural Resources	See Mitigation Measure CUL-1.	Applicant/ Contractor	County of Mendocino and Hopland Band of Pomo Indians	Prior to construction/ During construction
Wildfire	See Mitigation Measures HAZ-1 and HAZ-2.	Applicant/ Contractor	County of Mendocino	Prior to project operation