



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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August 29, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors at their regular meeting on Tuesday, September 10, 2024, will conduct a public hearing on the following project at 1:30 p.m. or as soon thereafter as the item may be heard. This meeting will be held in the **Mendocino County Board Chambers at 501 Low Gap Road, Ukiah California, 95482.**

CASE#: OA_2023-0001

DATE FILED: 1/1/2023

OWNER: COUNTY OF MENDOCINO

REQUEST: (1) Review and Consider the Report and Recommendation of the Planning Commission on the Proposed Adoption of Amendments to Division I of Title 20 of Mendocino County Code (the "Inland Zoning Code Update"); (2) Adopt a Resolution Adopting an Addendum to the Environmental Impact Reports for the Mendocino County General Plan and the Ukiah Valley Area Plan for the Inland Zoning Code Update; and (3) Adopt an Ordinance Adopting the Inland Zoning Code Update, Making Amendments to Division I of Title 20 of the Mendocino County Code.

ORDINANCE SUMMARY: Mendocino County proposes a comprehensive update to Division I of Title 20 of the Mendocino County Code (the "Inland Zoning Code"). The purpose of the update (the "Inland Zoning Code Update") is to update the County's regulation of land use and development for consistency with State and Federal law, reflect current uses and practices, create a more user-friendly set of regulations and implement the County's General Plan and Ukiah Valley Area Plan.

Proposed amendments include the repeal of the following Chapters: 20.112 "A-H" Airport Height Combining Districts; 20.128 "AV" Airport Districts; 20.140 "SH" Special Hazards Combining District; 20.148 Supplemental Limitations on Uses; 20.206 Extension of Time for Qualifying Clean Slate/BLUR II Applicants; 20.220 General Plan—Zoning Compatibility; 20.224 Interim Urgency Ordinance Prohibiting New or Expanded Industrial Uses on Pinoleville Rancheria; 20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area; and 20.238 Inclusionary Housing.

Proposed amendments include the addition of several new Chapters, as follows: 20.086 "MUNS" Mixed Use North State Street District; 20.087 "MUBST" Mixed Use Brush Street Triangle District; 20.166 Accessory Dwelling Units and Junior Accessory Dwelling Units; 20.170 Moveable Tiny Homes; 20.190 Administration; and 20.234 Affordable Housing and Density Bonuses.

Proposed amendments include amendments to allowable uses in all zoning districts to (1) eliminate Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit or a Use Permit; and (2) achieve consistency with State Law surrounding Day Care Facilities, Assisted Living Residential Care Facilities, Employee Housing, Low Barrier Navigation Centers, Supportive Housing and Transitional Housing. In addition, a new Commercial Use Type is proposed which would allow Transient Habitation—Low Intensity Camping in certain zoning districts provided there is a primary residential or agricultural use of the property, though the Planning Commission recommended that this use type and related changes not be adopted at this time.

Proposed amendments include clean ups to numerous other Chapters within Division I of Title 20 to (1) implement the changes noted above; (2) reorganize portions to make the Division more user

friendly, including additional guidance and graphics related to height, setbacks, signage and parking requirements; and (3) to remove unnecessary or redundant sections. Proposed amendments also include revisions to provisions related to administration of the zoning code, including general plan amendment, zoning amendment, administrative permit, use permit and variance procedures and processes.

A list of chapters proposed for amendment, in addition to chapters revising zoning districts as stated above, is as follows:

- Chapter 20.008 – Definitions
- Chapter 20.016 – Residential Use Types
- Chapter 20.020 – Civic Use Types
- Chapter 20.024 – Commercial Use Types
- Chapter 20.036 – Mining and Processing
- Chapter 20.152 – General Provisions and Exceptions to Districts
- Chapter 20.164 – Accessory Use Regulations
- Chapter 20.168 – Temporary Use Regulations
- Chapter 20.172 – Mobile Homes and Mobile Home Parks
- Chapter 20.176 – Recreational Vehicle Parks and Campgrounds
- Chapter 20.180 – Off-Street Parking
- Chapter 20.184 – Sign Regulations
- Chapter 20.192 – Administrative Permits
- Chapter 20.196 – Use Permits
- Chapter 20.200 – Variances
- Chapter 20.204 – Nonconforming Uses and Structures
- Chapter 20.208 – Appeals
- Chapter 20.212 – Amendments, Alterations and Changes in Districts
- Chapter 20.216 – Enforcement
- Chapter 20.236 – Towers and Antennas

As part of its review of the Inland Zoning Code Update, the Mendocino County Planning Commission made specific recommended changes to the topics and chapters listed above, which are summarized below.

ENVIRONMENTAL DETERMINATION: Addendum to Previously Adopted Environmental Impact Reports for the Mendocino County General Plan and Ukiah Valley Area Plan.

LOCATION: Within the unincorporated areas of Mendocino County, not including the designated Coastal Zone areas of the County.

SUPERVISORIAL DISTRICT: All

STAFF PLANNER: JULIA KROG

PLANNING COMMISSION RECOMMENDATION: The Planning Commission, at their August 15, 2024 meeting, adopted Planning Commission Resolution No. PC_2024-0009 making its report and recommendation to the Board of Supervisors regarding the proposed amendments Inland Zoning Code Update, including specific additional changes as specified in Exhibit A to the Resolution. The full text of the resolution can be found at the following webpage, under the August 15, 2024, meeting of the Planning Commission: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>.

The Planning Commission recommended that the Board of Supervisors not adopt any changes to the Zoning Code providing for Transient Habitation - Low Intensity Camping as part of the Inland Zoning Code Update, and removed all references to Transient Habitation - Low Intensity Camping from the version of the Inland Zoning Code Update attached to the Planning Commission's resolution.

Exhibit A to Resolution No. PC_2024-0009 includes numerous changes to the Inland Zoning Code Update as originally proposed by Department staff, which are summarized as follows:

- a. Chapter 20.008 – Definitions: to (1) add a definition of Battery Energy Storage Systems to account for batteries used in storing and distributing energy, (2) update the definitions of Accessory Dwelling Unit, Efficiency Kitchen and Junior Accessory Dwelling Unit and add definitions of Nonconforming Zoning Condition and Passageway to better match current State law, (3) add clarifying definitions for Dead Storage, Proposed Dwelling, Tandem Parking, Transient Habitation and Water Extraction for Bulk Sale to clarify these phrases as used in the Inland Zoning Code, and (4) eliminate references to minor use permits, which have otherwise been proposed to be changed to use permits or administrative permits.
- b. Chapter 20.020 – Civic Use Types: to (1) include Battery Energy Storage Systems as a major impact service and utility use, as this use has already been considered such a use as part of reviewing power generating facilities, and (2) reverse the deletion of Day Care Facility from the Day Care Facility/Small Schools use type, as this deletion would inadvertently have the effect of meaning no Day Care Facility could be established if not in a residence – this change also has the effect of making corresponding changes to the lists of allowed use types in the following chapters: Chapter 20.044 – “S-R” Suburban Residential Districts, Chapter 20.048 – “R-R” Rural Residential District, Chapter 20.052 – “A-G” Agricultural District, Chapter 20.056 – U-R Upland Residential District, Chapter 20.060 – R-L Rangeland District; Chapter 20.064 – F-L Forestland District, Chapter 20.072 – R-1 Single-Family Residential District, Chapter 20.076 – R-2 Two-Family Residential District, Chapter 20.080 – R-3 Multiple-Family Residential District, Chapter 20.084 – R-C Rural Community District, Chapter 20.085 – MU-2 General Mixed Use District, Chapter 20.086 – MUNS Mixed Use North State District, Chapter 20.087 – Mixed Use Brush Street Triangle District, Chapter 20.088 – C-1 Limited Commercial District, Chapter 20.092 – C-2 General Commercial District, Chapter 20.108 – P-F Public Facilities District.
- c. Chapter 20.040 – Establishment of Districts: to eliminate a provision regarding the Planning Commission’s ability to make a determination on zoning district boundaries, in favor of such determination being made first by the Director of the Department, which may be appealed to the Planning Commission.
- d. Chapter 20.086 – MUNS Mixed Use North State District: to (1) make grammatical clarifying changes to the intent section of the Chapter, to make the paragraph more readable, and (2) the revision related to Day Care Facility/Small Schools stated above.
- e. Chapter 20.088 – C-1 District: to (1) include Animal Raising – personal as a use type allowed in the C-1 District, as other agricultural uses of similar or greater intensity are already allowed and to allow the opportunity for Animal Raising – personal to residences located on C-1 parcels, (2) making automotive and equipment – gasoline sales a use subject to a Use Permit instead of an Administrative Permit, so that such facilities would always be subject to review by the Planning Commission as opposed to the Zoning Administrator, and (3) the revision related to Day Care Facility/Small Schools stated above.
- f. Chapter 20.092 – C-2 District: to (1) include Animal Raising – personal as a use type allowed in the C-2 District, as other agricultural uses of similar or greater intensity are already allowed and to allow the opportunity for Animal Raising – personal to residences located on C-2 parcels, (2) making automotive and equipment – gasoline sales a use subject to a Use Permit instead of an Administrative Permit, so that such facilities would always be subject to review by the Planning Commission as opposed to the Zoning Administrator, and (3) the revision related to Day Care Facility/Small Schools stated above.
- g. Chapter 20.096 – I-1 District: to (1) remove Assisted Living Residential Care Facility from the list of permitted uses, as no family residential use types are permitted in the I-1 District and so State regulations do not require this use type in the I-1 District, and (2) specify that Day Care Facilities are an allowed use only if associated with Employee Housing, in order to harmonize the County’s allowance for Employee Housing on I-1 zoned parcels with the Health and Safety Code section 1597.45 requirement that family day care homes be considered a residential use of property and a use by right.

- h. Chapter 20.100 – I-2 District: to (1) remove Assisted Living Residential Care Facility from the list of permitted uses, as no family residential use types are permitted in the I-2 District and so State regulations do not require this use type in the I-2 District, and (2) specify that Day Care Facilities are an allowed use only if associated with Employee Housing, in order to harmonize the County's allowance for Employee Housing on I-2 zoned parcels with the Health and Safety Code section 1597.45 requirement that family day care homes be considered a residential use of property and a use by right.
- i. Chapter 20.136 – PD Combining District: to add a new provision that planned developments be designed in a manner to include low impact development techniques and enhanced pedestrian facilities, in order to improve the design of such developments.
- j. Chapter 20.152 – General Provisions and Exceptions Districts: to (1) modify required setbacks to property lines for detached garages, accessory structures, uncovered decks and porches, barns containing animals on parcels less than 40,000 square feet in size from 5 feet to 4 feet, to provide for additional consistency with setback requirements for accessory dwelling units; (2) eliminate a provision that barbed wire is prohibited unless an Administrative Permit is obtained, as compared to razor or concertina wire, as barbed wire is commonly used on agricultural parcels in the County; and (3) update the section regarding Height Exceptions to clarify that wind generators include windmills used for agricultural uses and to eliminate an exception provision related to public utility structures, as these exceptions should be granted through a variance.
- k. Chapter 20.164 – Accessory Uses: to update a reference to a Use Permit for room and board, as opposed to a Major Use Permit.
- l. Chapter 20.166 – Accessory Dwelling Units and Junior Accessory Dwelling Units: to incorporate additional revisions necessary for consistency with State law regarding Accessory Dwelling Units and Junior Accessory Dwelling Units.
- m. Chapter 20.168 – Temporary Use Regulations: to clarify that a gathering of over 1,000 persons shall be required to obtain a use permit, and not a minor use permit, so that such permits would always be subject to review by the Planning Commission as opposed to the Zoning Administrator.
- n. Chapter 20.170 – Movable Tiny Homes: to make modifications to the design standards for movable tiny homes to simply state that exterior wall materials shall be the same materials that would be allowed for under the California Building Code, to provide clarity as to what materials are allowed.
- o. Chapter 20.180 – Off-Street Parking: to (1) add a reference to the California Government Code requiring a provision that no off-street parking be required for certain projects located within one-half mile of public transit; (2) lower the required percentage of parking areas that shall be permeable from 100% to 50%, as a more reasonable requirement; (3) require that all parking area lighting be downcast and shielded, consistent with the County's Dark Sky Policies (General Plan Policy RM-137); (4) provide that one electric vehicle charging station parking space be allowed instead of two regular parking spaces in existing parking lots, in conformance with General Plan Policy DE-275; and (5) provide that the Director may reduce required parking spaces for a project to accommodate electric vehicle charging stations and associated equipment, which is required pursuant to Government Code section 65850.71, subdivision (d).
- p. Chapter 20.190 – Administration: to correct a provision related to initial completeness review to refer to the date an application is filed, not deemed complete.
- q. Chapter 20.204 – Nonconforming Uses and Structures: to (1) allow for additional time for the restoration of damaged structures, providing for a more reasonable timeline for the restoration; and (2) require that expansion of nonconforming uses and structures obtain a use permit as opposed to an administrative permit, so that such applications are reviewed by the Planning Commission as opposed to the Zoning Administrator.

The draft ordinance code chapters, both as initially proposed by the Department and as modified by the Planning Commission, staff report, addendum, notice, and related materials will be available for public review 10 days prior to the scheduled hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.gov/departments/planning-building-services/public-noticing>.

Virtual Attendance: Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

Mendocino County provides for digital attendance through Zoom. Zoom webinar information will be provided on the published agenda for the meeting. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Board reserves the right to conduct the meeting without remote access. Therefore, the only ways to guarantee that your participation or comments are received and considered by Board are to attend the meeting in person or submit your comment in writing in advance of the meeting.

The decision of the Board of Supervisors shall be final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services/Board of Supervisors at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Clerk of the Board of Supervisors at 707-463-4441, Monday through Friday, 8:00 a.m. through 5:00 p.m., or the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Board's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact Clerk of the Board of Supervisors at 707-463-4441 at least five days prior to the meeting.

JULIA KROG, Director of Planning and Building Services