

ATTACHMENT 1

Resolution Number PC 2024-0009

County of Mendocino
Ukiah, California

AUGUST 15, 2024

OA_2023-0001

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, PROVIDING A REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING THE PROPOSED ADOPTION OF AMENDMENTS TO DIVISION I OF TITLE 20 OF THE INLAND ZONING CODE AND THE ADDENDUM TO THE GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND THE UKIAH VALLEY AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT RELATED THERETO

WHEREAS, on August 17, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-182, certifying the Final Environmental Impact Report for the Mendocino County General Plan (State Clearinghouse No. 2008062074) (the "General Plan EIR"), which analyzed the environmental impacts of the adoption of the County's General Plan, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, on August 2, 2011, the Mendocino County Board of Supervisors adopted Resolution No. 11-112, certifying the Final Environmental Impact Report on the Ukiah Valley Area Plan (the "UVAP EIR"), which analyzed the environmental impacts of the adoption of the Ukiah Valley Area Plan (the "UVAP") and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, the County may adopt ordinances that regulate the use of land pursuant to Government Code Section 65850; and

WHEREAS, in 2023, the Mendocino County Department of Planning and Building Services (the "Department") initiated a process to revise and update the Inland Zoning Code of the County, found in Division I of Title 20 of the Mendocino County Code, which was originally adopted in 1987; and

WHEREAS, the Department is proposing a comprehensive update of the Inland Zoning Code, with changes including the repeal of certain unused zoning districts, amendment of chapters to reorganize and make the Inland Zoning Code more user-friendly, making provisions consistent with State law surrounding day care facilities, assisted living residential care facilities, employee housing, low barrier navigation centers, supporting housing and transitional housing, adding new chapters including provisions related to movable tiny homes, eliminate the existing inclusionary housing ordinance; and

WHEREAS, the Chapters of the Inland Zoning Code proposed for amendment are attached to this resolution as Exhibit A and incorporated herein by this reference (the "Inland Zoning Code Update"), which show the changes to the various chapters in redline and strike-through, or indicate that chapters are new or being repealed; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") and the CEQA Guidelines (Title 14, California

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Code of Regulations Section 15000 *et seq.*), the Department undertook a review of the Inland Zoning Code Update; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously certified EIR may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report have occurred; and

WHEREAS, an Addendum to the General Plan EIR and the UVAP EIR, attached to this resolution as Exhibit B and incorporated herein by this reference (the "Addendum"), has been prepared to evaluate whether the proposed Inland Zoning Code Update would have a significant effect on the environment beyond that which was evaluated in the General Plan EIR and the UVAP EIR; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 25, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Inland Zoning Code Update and the Addendum and all interested persons were given an opportunity to hear and be heard regarding the Inland Zoning Code Update and the Addendum, and continued said hearing to August 1, 2024; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held the continued public hearing on August 1, 2024, at which time the Planning Commission continued said hearing to August 15, 2024; and

WHEREAS, the Planning Commission considered all of the information presented to it including Staff Memoranda and public testimony presented in writing and at the public hearings; 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 Inland Zoning Code Update.

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings related to the Inland Zoning Code Update, makes the following findings and recommendations:

1. The above recitals are true and correct, and incorporated herein by this reference.
2. As part of its consideration of the Inland Zoning Code Update, the Commission received significant public comment regarding a proposed change to multiple chapters of the Zoning Code adding a new commercial use type of Transient Habitation – Low Intensity Camping ("Low Intensity Camping"). Low Intensity Camping is proposed to be defined as "camping for transient guests involving recreational vehicles or tents which is incidental to the primary residential or agricultural use of the site." Low Intensity Camping is proposed to be allowed on parcels in Residential, Agricultural, Rural Community, Commercial, Open Space, Public Facilities, Rangeland, Forestland and Timber Production Districts, subject to location limitations and operational requirements stated in a new Section 20.176.020.

Following significant discussion regarding Low Intensity Camping among the Commission, the Commission hereby recommends that the Board of Supervisors *not* adopt any changes to the Zoning Code providing for Low Intensity Camping as part of the Inland

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Zoning Code Update. Exhibit A attached hereto does not include any provisions allowing for Low Intensity Camping as had been drafted by the Department.

The Commission's reasons for recommending against adopting Low Intensity Camping provisions at this time are as follows:

- a. Additional time is needed to hear comments from emergency service providers, especially fire districts, and resource agencies such as Department of Transportation and Environmental Health Department.
- b. Concern that separate regulations may be necessary for the western portion of the County that, while governed by the Inland Zoning Code, is generally seen as being part of the Mendocino coast, which generally has greater demand for transient habitation and impacts to traffic and services in the Mendocino Coast area that already includes several permitted campgrounds.
- c. There was disagreement over what parcel sizes and zoning districts are an appropriate fit for Low Intensity Camping and what kind of property setbacks would minimize disruption of neighbors. Additional planning time is necessary to assure public input and participation by providing public meetings in every district, hear public comments and address the impacts that may occur.
- d. Camp sites create numerous impacts that affect adjacent parcels that are not fully addressed by the proposed ordinance provisions. These impacts include noise and light and glare that affect neighbors, and the potential for degradation of private and public roads by increased traffic related to Low Intensity Camping or other transportation impacts. Additional operational requirements to mitigate these impacts and concerns by both property owners and residents are necessary. Additional time is required to develop solutions, inform, and hear public comment.
- e. Camp sites require adequate water supply, sewage disposal and solid waste disposal and oversight for the health and safety of those camping. Additional operational requirements to speak to these issues were requested, and therefore additional time is necessary to develop solutions and hear public comment.

Given the number of outstanding concerns, the Commission recommends that Board of Supervisors adopt the Inland Zoning Code Update without provisions related to Low Intensity Camping, as shown in the attached Exhibit A. The proposed section 20.176.020 has been deleted, and references to Low Intensity Camping have been removed from all district and use type chapters. The Commission further recommends that the Board of Supervisors direct the Department to bring forward ordinance changes related to Low Intensity Camping as part of a new, separate Zoning Code amendment process.

3. In considering the Inland Zoning Code Update, the Commission reviewed multiple memoranda from Department staff providing reasons for the proposed changes to the Inland Zoning Code, which the Commission generally agreed with. However, as part of its consideration of the Inland Zoning Code Update, the Commission made recommended changes to the following chapters, in addition to those changes initially proposed by the Department. Exhibit A to this Resolution includes the Commission's recommended changes, which are summarized in the following list and which list includes a summary of the reasons for the changes made by Commission (which are further discussed in the staff memoranda accompanying this Resolution):
 - 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

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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

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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

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- 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.
4. That the Board of Supervisors direct the Department to bring back future separate ordinance amendments to address the following topic areas:
 - a. Updated Sign Regulations,
 - b. Revised Off-Street Parking standards in accordance with General Plan Policy DE-83 to meet normal, not maximum single day expected vehicle demand,
 - c. Expanded allowances for farmstands in accordance with General Plan Policy DE-264 and Action Item DE-264.1, and
 - d. Regulations for Cremated Remains Disposer.
 5. The proposed changes of the Inland Zoning Code Update are consistent with the General Plan and the UVAP. The County's zoning ordinance must be consistent with the General Plan pursuant to Government Code Section 65860, which in the case of Mendocino County requires conformance with the Ukiah Valley Area Plan for the Ukiah area and the General Plan for the remainder of the Inland portion of the County. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the County has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in the plan. The Staff Memoranda prepared for the Inland Zoning Code Update additionally describe how the changes proposed by the Inland Zoning Code Update are in conformance with the General Plan and UVAP or do not affect conformance with the General Plan or UVAP. None of the zoning district chapters being repealed affect the conformity with either the General Plan or UVAP, and the addition of the Mixed Use North State and Mixed Use Brush Street zoning district chapters creates additional conformance with the UVAP. The repeal of Chapter 20.238 and its inclusionary housing provisions is consistent with the Housing Element of the General Plan as removing an impediment to the development of housing within the County.
 6. The Addendum has been updated to reflect the Commission's recommended changes to the Inland Zoning Code Update summarized in the above paragraphs 2 and 3.
 7. The Addendum reflects the County's independent judgement as to the environmental consequences of development pursuant to the General Plan and UVAP and the Inland Zoning Code Update. The Addendum was prepared and reviewed in compliance with CEQA and the CEQA Guidelines.
 8. Based on the evidence submitted and as demonstrated by the analysis of included in the General Plan EIR, UVAP EIR and the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental environmental impact report have occurred, specifically:

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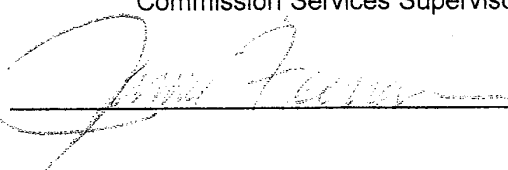
- a. The proposed changes of the Inland Zoning Code Update would not result in any substantial changes from what was previously analyzed in the General Plan EIR and UVAP EIR and would not involve new significant impacts or result in a substantial increase in the severity of previously identified significant impacts. The Inland Zoning Code Update, therefore, does not constitute a substantial change in the project.
 - b. No substantial changes have occurred with respect to the circumstances under which the project was undertaken. While the General Plan was adopted in 2009 and the UVAP was adopted in 2011, there have been no significant changes in land uses or zoning in the County since that time. The project location and setting as described in the General Plan EIR and UVAP EIR are essentially unchanged. While legal development has occurred consistent with the General Plan and UVAP, the amount of development has not been of a level to be considered a substantial change. No substantial changes have occurred within the County since the certification of the General Plan EIR or the UVAP EIR. Development in the region has occurred at a slower pace than anticipated in both EIRs. Based on the environmental baseline identified in each EIR, the physical changes in the County that have occurred are consistent with the analyses of each EIR and the cumulative projects considered in each EIR. There have been no substantial changes in the circumstances of the County as considered in the EIRs.
 - c. The consistency of the proposed amendments of the Inland Zoning Code Update with the analysis of the General Plan EIR and UVAP EIR is presented in the Addendum. As discussed in that document, the Inland Zoning Code Update will not result in any new significant effects not discussed in the General Plan EIR or UVAP EIR.
 - d. Based on the analysis presented in the Addendum, no supplemental environmental review is required for the Inland Zoning Code Update in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
9. The Board of Supervisors adopt the Addendum to the General Plan EIR and UVAP EIR for the Inland Zoning Code Update, a copy of which is attached as Exhibit B.
 10. That the Board of Supervisors find that the adoption of an ordinance adopting the Inland Zoning Code Update is consistent with the General Plan.
 11. That the Board of Supervisors adopt an ordinance making the changes shown in the Inland Zoning Code Update, as shown in the attached Exhibit A.

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 the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of Planning and Building Services, 860 N. Bush Street, Ukiah, CA 95482.

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

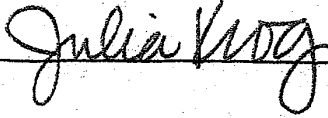
ATTEST: JAMES FEENAN
 Commission Services Supervisor

By: _____

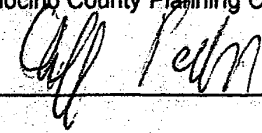


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BY: JULIA KROG
Director



CLIFFORD PAULIN, Chair
Mendocino County Planning Commission



CHAPTER 20.004 GENERAL

Sec. 20.004.005 Title.

This Division shall be known and cited as the "Mendocino County Zoning Code—Division I."

Sec. 20.004.010 Adoption of Zoning Enabling Plan—Declaration.

There is adopted a Zoning Enabling Plan for the County of Mendocino, exclusive of those areas within the Coastal Zone.

Sec. 20.004.015 Purpose.

This Division is adopted to protect and promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare; and further, the purpose of this Division is to prescribe land use regulations and a zoning plan for the County of Mendocino deemed necessary to promote forestry and agriculture; to provide open space for light and air and to prevent and fight fires and other hazards; to prevent undue dispersion or concentration of population; to promote orderly community development; to lessen congestion of streets and highways; and to facilitate adequate provisions for community utilities such as transportation, schools, parks and other public requirements.

Sec. 20.004.020 Intent.

This Division is intended to be in harmony with the Mendocino County General Plan and any area plans adopted pursuant thereto. Future amendments of these plans shall be reflected in amendments of the Zoning Code, and future amendments to the [Mendocino County Zoning Code – Division I](#) shall only be made in conformity with the General Plan and adopted area plans.

Sec. 20.004.025 Findings.

The Board of Supervisors finds that agriculture is a major industry of the County and that for the protection of agriculture and in order to prevent further encroachment upon it by incompatible uses of property and for the general welfare of the County as a whole, there are created zone classifications within which agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. Therefore, the provisions of this Division shall be liberally interpreted, insofar as they apply to agricultural pursuits and services, and shall not be deemed or construed to permit interference with any normal accessory use conducted in conjunction therewith. It is the intention of this Division to provide maximum protection to existing and future agricultural enterprises and to encourage the highest and best use of the lands so classified for agricultural purposes, including the necessary residential, recreational, educational, public utilities and other similar uses necessary and incidental thereto.

Sec. 20.004.030 Applicability of Mendocino County Zoning Code—Division I.

The Board of Supervisors declares that the regulations of this Division are intended to apply to all properties within the unincorporated area of the County, exclusive of those areas known as the Coastal Zone.

Sec. 20.004.035 Conflict Resolution.

- (A) Where conflict occurs between the regulations of this Division and any building code or other regulations within the County, the more restrictive of any such regulations shall apply.
- (B) In interpreting and applying the provisions of this Division, unless otherwise stated, requirements shall be held to be the minimum requirements for the promotion and protection of the public safety, health and the general welfare.
- (C) It is not intended that this Division shall interfere with or abrogate or annul any easements, covenants or other agreements now in effect; provided, however, that where this Division

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imposes a greater restriction than are imposed or required by other ordinances, articles, chapters rules or regulations, or by easements, covenants, or agreements, the provisions of this Division shall apply except in the case of a development agreement entered into pursuant to Government Code Sections 65864 through 65869.5.

Sec. 20.004.040 Completion of Existing Buildings.

Nothing herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of the ordinance codified in this Division or any amendment of these regulations, provided that actual construction of such building or structure is commenced within six (6) months after the date of issuance of the building permit and is completed within one (1) year from the effective date of such amendment, and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other code or law. Actual construction is hereby defined for purposes of this Section, to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

Sec. 20.004.045 Effect of Zoning Enabling Plan.

To make effective a degree of zoning protection in the unincorporated area of the County, all uses of land within a particular district as defined by this Division (except those uses similar in scope and intensity to those uses cited as typical uses within Chapters 20.016 through 20.036) which are not permitted by the regulations established herein for that district are prohibited.

Except as hereinafter otherwise provided:

- (A) No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises to be used, designated or intended to be used for any purpose or in any manner other than is included among the uses listed in this Division as permitted, or uses permitted by use permit, in the district in which such building, land or premises is located.
- (B) No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Division for the districts in which such building is located.
- (C) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations designated in this Division for the district in which such building or open space is located.
- (D) No yard or other open space provided about any building for the purpose of complying with the provisions of this Division shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

Sec. 20.004.050 Interpretation of Split Zoning.

For parcels that are split between two zoning districts, the zoning district boundary shall be treated as a parcel line and the regulations of each district apply to the portion of the lot within each zoning district.

Sec. 20.004.050-055 Severability.

If any chapter, section, subsection, paragraph, sentence, clause or phrase of this Division, which is reasonably separable from the remaining portion of this Division is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Division, it being herein expressly declared that this Division and each chapter, section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted

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irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional.

CHAPTER 20.008 DEFINITIONS

Sec. 20.008.005 Declaration.

Provisions of this Chapter shall be known as the "definitions." The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Code, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Codes shall be applicable except when in conflict with definitions contained in the Zoning Code, in which case the Zoning Code definition shall prevail.

Sec. 20.008.010 General Rules For Construction of Language.

The following general rules of construction shall apply to the textual provisions of the Zoning Code:

- (A) Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Code.
- (B) Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
- (C) Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.
- (D) Tenses and Numbers. Words used in the present tense include the future, and words used in the plural, include the singular, unless the context clearly indicates the contrary.
- (E) Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - (1) "And" indicates that the connected items or provisions apply.
 - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.
- (F) All public officials, bodies, and agencies to which reference is made are those of the County of Mendocino unless otherwise indicated.

Sec. 20.008.015 General Terms.

- (A) "Department" means the Department of Planning and Building Services.
- (B) "Board" or "Board of Supervisors" shall have the same meaning.
- (C) "Commission" or "Planning Commission" shall have the same meaning.
- (D) "City" means any city in the County of Mendocino.
- (E) "County" means the County of Mendocino.
- (F) "Federal" means the Government of the United States of America.
- (G) "State" means the State of California.
- (H) "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."
- (I) "General Plan" means the Mendocino County General Plan.
- (J) "Director" means the Director of Planning and Building Services.
- (K) "Section" means a section of the Zoning Code unless otherwise indicated.

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(L) "Division" means the entire Zoning Code—Division I unless otherwise indicated.

Sec. 20.008.020 Definitions (A).

(A) "Accessory building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in area, extent or purpose, the principal lawful structure or use. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy. See Chapter 20.164 Accessory Use Regulations.

(B) "Accessory Dwelling Unit." means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code. An attached or detached residential dwelling unit in compliance with Section 20.164.015, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling. See Chapter 20.164 Accessory Use Regulations.

(C) Accessory Structure. See Accessory Building.

(D) "Accessory use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.

(E) "Administrative Permit" means a permit granted pursuant to Chapter 20.192 by an agency of Mendocino County or the Zoning Administrator for a use specified as subject to an administrative permit in each zoning district of a temporary nature, a second residential unit, or farm employee housing.

~~(F) (N) "Affordable Housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or moderate income based on a household's ability to make payments necessary to obtain housing. Housing is considered affordable when a household pays less than thirty five (35) percent of its gross monthly income for housing.~~

~~(O) "Affordable Housing Unit" means a dwelling unit which meets the standards in Section 20.238 of this Code and is affordable to households having extremely low, very low, low, or moderate income.~~

Agricultural Employee shall have the same meaning as provided in section 1140.4(b) of the California Labor Code. ~~See Farm Employee.~~

(G) "Airport" means any area of land, water or a structure which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(H) "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.

(I) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, or any change, modification, deletion, or addition to the application of the Zoning Code to property within Mendocino County, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law.

(J) "Animals, large" is limited to bovine and equine animals, sheep, goats, swine and similar animals.

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(K) "Animals, small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, and other small domesticated animals other than a large animal.

~~(PL) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.~~

~~(QM) "Antenna, building-mounted" means any antenna attached to and supported by a building or other structure more than ten (10) feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.~~

~~(RN) "Antenna, roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.~~

~~(SO) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected for the purpose of supporting one or more antennas.~~

~~(LP) "Apartment" means a portion of a building which is designed and built for occupancy by three (3) or more families living in separate dwelling units.~~

~~(Q) "Assisted Living Residential Care Facility" means the same as "family care home" a state-authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.~~

(MR) "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

~~(N) "Affordable Housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or moderate income based on a household's ability to make payments necessary to obtain housing. Housing is considered affordable when a household pays less than thirty five (35) percent of its gross monthly income for housing.~~

~~(O) "Affordable Housing Unit" means a dwelling unit which meets the standards in Section 20.238 of this Code and is affordable to households having extremely low, very low, low, or moderate income.~~

~~(P) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.~~

~~(Q) "Antenna, building mounted" means any antenna attached to and supported by a building or other structure more than ten (10) feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.~~

~~(R) "Antenna, roof mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.~~

~~(S) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected for the purpose of supporting one or more antennas.~~

Sec. 20.008.022 Definitions (B).

(A) "Bank" means an establishment for the custody, loan exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

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- (B) "Barn" means a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies.
- (C) "Battery Energy Storage System (BESS)" means a type of energy storage system that uses batteries to store and distribute energy in the form of electricity. BESS enables energy from renewables such as solar and wind to be stored and released when needed to the grid.
- (D) "Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.
- (E) "Boarding house" means a building or portion thereof, other than an inn or hotel, where regular meals are provided to persons for compensation or profit.
- (F) Boarding Stable. See Stable.
- (G) "Building" means a structure having a roof, and which is constructed in a permanent position upon the ground and is designed and intended to be used for the shelter or enclosure of persons, animals or property. This definition does not include any type of mobile home, recreational vehicle, boat, or tent.
- (H) "Building, height of" means the vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.

Sec. 20.008.024 Definitions (C).

- (A) Camping Area, Incidental. See Incidental Camping Area.
- (B) "Campsite" means an area within an incidental camping area occupied by a camping party.
- (C) "Chimney" means a hollow shaft containing one (1) or more passages vertical or nearly so, for conveying products of combustion.
- (D) "Clinic" means any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons or animals not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.
- (E) "Cluster" means the grouping of dwellings or parcels in suitable areas so as to insure the preservation of the valuable site resources as opposed to even dispersal over the project area.
- (F) "College" means a college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees.
- (G) "Combining district" means a district providing special regulations which supplement or add to basic zoning district regulations.
- (H) "Conservation easement" means a legally drafted and recorded agreement between a landowner and the County, land trust, or other qualified organization in which the owner agrees to place certain restrictions over all or portions of his/her land in perpetuity to retain it in a predominantly natural, scenic, agriculture or other open space condition. Except for the specific restrictions contained in the easement document, the owner retains all other rights in the property. The easement stays with the land and is therefore legally binding on present and future owners.
- (I) "Construction" means the placement of construction materials in their permanent position and fastened in a permanent manner.
- (J) "Contract zoning" means conditions to a rezoning which are not specified in the Zoning Ordinance but which conditions are binding to both the property owner and the County.

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(K) Converted Mobile Home. See Mobile Home, Converted.

(L) Community Design Guidelines. a set of standards regarding the aesthetics of development, including building appearance and character, colors, landscaping, location of parking, siting of structures on building sites, and other issues that are used to evaluate the suitability and appropriateness of individual projects in terms of overall visual appearance, capacity to unify streetscapes, expression of valued community themes, establishment of a "sense of place," and enhancement of community cohesiveness.

(LM) Corner Lot. See Lot, Corner.

(MN) "Cottage industry" means a small scale business operated in or around a residential use and which complies with Chapter 20.160.

(NO) "Co-location" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas provided the overall height of the facility is not increased.

Sec. 20.008.026 Definitions (D).

(A) "Day Care Home - Small Family" means the same as "small family daycare home" as defined in California Health and Safety Code section 1596.78. a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care

(B) "Day Care Home - Large Family" means the same as "large family daycare home" as defined in California Health and Safety Code section 1596.78. a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(C) "Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to utilities and is not occupied as living quarters.

(D) "Density" means the number of dwelling units per acre or square feet.

(DE) "Detached bedrooms" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred Fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.164 Accessory Use Regulations.

(EF) "Development agreement" means an agreement between the County and an applicant entered into pursuant to Government Code Sections 65864 through 65869.5.

(FG) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels or boarding houses.

(GH) "Dwelling, single-family" means a building containing not more than one (1) dwelling unit. Included is a converted mobile home and moveable tiny homes.

(HI) "Dwelling, two family (duplex)" means a building containing two (2) dwelling units. Included is a converted mobile home.

(IJ) "Dwelling, multifamily (apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(JK) "Dwelling group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership.

(KL) "Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen. Included in the definition of a dwelling unit is a "moveable tiny home", "Accessory Dwelling Unit" and "Junior Accessory Dwelling Unit".

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Sec. 20.008.027 Definitions (E).

- (A) "Efficiency Kitchen" means a small food preparation area for a junior accessory dwelling unit or moveable tiny home that includes the following:
- (1) A cooking facility with appliances.
 - (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. A sink with a maximum waste line diameter of one and one-half (1½) inches.
 - ~~(2) A cooking facility with appliances that do not require electrical service greater than one hundred twenty (120) volts, or natural or propane gas.~~
 - ~~(3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~
- (B) "Emergency shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (C) "Equity Sharing" means an agreement by which appreciation on the value of an affordable unit from the time of original purchase at an affordable price to the time of resale shall be shared between the owner and the County or its designated agency. Such an agreement will be a condition of financial assistance for income qualified households to purchase Affordable Housing Units.

Sec. 20.008.028 Definitions (F).

- (A) "Family" means one (1) or more persons occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. "Family" does not include a fraternal, religious, social or business group. ~~"Family" shall be deemed to include domestic servants employed by a family.~~
- (B) "Family care home" means the same as "Assisted Living Residential Care Facility" a state-authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.
- (C) "Family care institution" means a state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.
- (D) "Family care unit" means the temporary use of a building, structure or trailer coach to provide housing for:
- (1) Not more than two (2) adult persons who are sixty (60) years of age or older; or
 - (2) An immediate family member or members who require daily supervision and care; or
 - (3) A person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
- (E) "Farm employee" means the same as "agricultural employee" as defined in section 1140.4(b) of the California Labor Code. any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market. ~~"Farm Employee" does not include persons solely engaged in construction, alteration, painting, or repair of a structure, logging, brush or timber clearing, land grading or leveling or land~~

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~~surveying, unless they are providing substantial improvements to the property and enhancing resource production.~~

- (F) "Flood plain" means an area subject to temporary inundation of normally dry land lying outside the normal stream channel as a result of one (1) or more of the following occurrences or conditions: the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- (G) "Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the roof or floor above.
- (H) "Floor area, gross" means the total floor area including public areas such as hallways, lobbies, wash rooms, related storage areas and service rooms or areas, plus work areas, office space and sales floor.
- (I) "Floor area ratio" means the ratio of total building floor area to total site area, is a commonly used measure of commercial and industrial development intensity. It is typically expressed as a decimal, i.e. 0.50.
- (J) Freestanding sign. See Sign, Freestanding.
- (K) "Frontage" means that portion of a property line which abuts a legally accessible street right-of-way.
- (L) Front Yard. See Yard, Front.

Sec. 20.008.030 Definitions (G).

- (A) "Garage, private" means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.
- (B) "Garage, public" means a building other than a private garage in which spaces or stalls are rented to the public for the shelter or storage of private automobiles and other forms of private transportation or recreational vehicles, and which may include as a use incidental thereto, the storage of personal effects and personal household articles.
- (C) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- (D) Gross Floor Area. See Floor Area, Gross.
- (E) "Guest cottage" means a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without wet bar or kitchen or any provision for appliances for the storage and preparation of food, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.

Sec. 20.008.032 Definitions (H).

- (A) "Home occupation" means an occupation which is accessory and incidental to a residential use and conducted entirely within the dwelling unit or accessory building(s) located on the premises. See Chapter 20.156, Home Occupations.
- (B) "Hospital" means an institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates twenty-four (24) hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.
- (C) "Hotel" means any building or portion thereof containing three (3) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation.

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- (D) "Household" means all the persons related, or unrelated, who occupy a single dwelling unit. Persons not living in households are classified as living in group quarters.
1. "Extremely Low-income Household" means a household with an annual income less than 30 percent of County mean income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
 2. "Very Low-income Household" means a household with an annual income no greater than 50% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
 3. "Low-income Household" means a household with an annual income of at least 50% of the County median income, but less than 80% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
 4. "Moderate-income Household" means a household with an annual income of at least 80% of the County median income but less than 120% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
- (E) "Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit such as dogs, cats, and birds but not including a sufficient number of animals to constitute a kennel.

Sec. 20.008.034 Definitions (I).

- (A) "Incidental camping area" means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes and where one (1) or more campsites used for camping are rented or leased or held out for rent or lease.
- (B) "Inclusionary Unit" means an affordable housing unit required to be provided by the developer of a residential housing project pursuant to the requirements of Section 20.238 of this code.
- (C) "Inn" means any building or portion thereof or group of buildings containing three (3) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals are provided for compensation or profit.

Sec. 20.008.036 Definitions (J).

- (A) "Junior Accessory Dwelling Unit." ~~means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A living space not exceeding five hundred (500) square feet in size and contained entirely within a fully permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. See Chapter 20.164 Accessory Use Regulations.~~
- (B) "Junkyard" means any land, lot or portion thereof where there is more than: (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet; or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Sec. 20.008.038 Definitions (K).

- (A) "Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein are kept seven (7) or more dogs, cats or similar small animals over eight (8) weeks of age, in any

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combination, for more than ten (10) days, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

- (B) "Kitchen" means any room or portion of a building used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and cooking stove that has a flat top with plates or racks to hold utensils over flames or coils.

Sec. 20.008.040 Definitions (L).

- (A) "Large family daycare home" means the same as "large family daycare home" as defined in California Health and Safety Code section 1596.78.
- (B) "Live/work space" means a space where personal living space and professional workspace is combined in such a way that neither is compromised, such as in an artist's studio or where a loft or apartment is built above a store and/or office.
- (BC) "Live-work use" means a type of residential use that physically integrates the resident's commercial or manufacturing workspace within the same building or site.
- (D) "Living area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.
- (EE) "Living unit" means any building or vehicle designed or used for human habitation, including, but not limited to a dwelling, guest house, accessory living quarters, farm employee housing, farm labor camp, or mobile home.
- (EF) Lodging House. See Hotel.
- (EG) "Lot" means a parcel or real property which, upon application, is eligible for a Certificate of Compliance.
- (FH) "Lot area" means the total area, within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations.
- (GI) "Lot, corner" means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.
- (HJ) "Lot coverage" means the percentage of net site area covered by the vertical projection of any structure.
- (HK) "Lot, double frontage" means a lot fronting on two (2) parallel or approximately parallel streets.
- (JL) "Lot depth" means the horizontal length of a straight line connecting the mid points of the front and rear lot lines.
- (KM) "Lot line, front" means the front of a lot shall be that face of a lot that abuts on a street: in the case of a double frontage road and a corner lot, the face abutting on either street. In a case of irregular frontage or access, the front lot line shall be determined by the Planning and Building Services Director.
- (LN) "Lot line, rear" means the most distant lot line opposite and parallel to the front lot line; in the case of an irregular lot, the line most closely paralleling the front lot line.
- (MO) "Lot line, side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.
- (NP) "Lot, key" means an interior lot adjacent to a corner lot, the side line of which is contiguous with the rear lot line of the corner lot.
- (OQ) "Lot, width" means the horizontal distance between side lot lines measured at the front yard setback line.
- (R) "Low Barrier Navigation Center" means the same as defined in California Government Code section 65660(a).

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Sec. 20.008.042 Definitions (M).

- (A) "Main building" means a building which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.
- ~~(B) "Major Use Permit. See Use Permit, Major."~~
- (CB) "Market Rate" means not restricted to an "affordable" housing price as defined in section 20.008.020 of this document, or an affordable rent.
- ~~(D) "Minor Use Permit. See Use Permit, Minor."~~
- (C) "Mixed Use" means the development of any permitted residential use in conjunction with at least one (1) commercial or civic use type within the same building, either vertically (i.e., different uses located on separate floors) or horizontally (i.e., different uses located side-by-side on the same floor), or in multiple buildings, located on one (1) or more parcels, that are developed with shared site improvements such as pedestrian walkways, landscaping, public spaces (e.g., courtyards and plazas), and vehicle parking and circulation.
- (D) Intentionally omitted.
- (E) "Mixing plant" means plant for mixing concrete or asphalt products (including batch plants).
- (F) "Mobile home" means a transportable structure built on a chassis for movement, and designed to be used as a dwelling without permanent foundation when connected to the required utilities. No such structure shall be deemed to be a mobile home which is less than eight (8) feet wide or forty (40) feet in length.
- (G) "Mobile home, converted" means a mobile home, certified under the National Mobile Home Construction and Safety Standards Act of 1974, on a foundation system pursuant to Section 18551 of the California Health and Safety Code.
- (H) "Mobile home lot" means an area or tract of land or portion of a mobile home park designated or used for one (1) mobile home.
- (I) "Mobile home park" means an area or tract of land where two (2) or more mobile home lots are rented or leased or held for rent or lease to accommodate mobile homes for human habitation; provided that mobile home park does not include:
- (1) Premises on which any trailer coaches are parked for inspection and sale;
 - (2) Premises on which all but one (1) of the trailer coaches are used exclusively for temporary uses pursuant to Temporary Use Regulations in Chapter 20.168.
 - (3) Premises on which all but one (1) of the trailer coaches are used exclusively to provide farm employee housing or as a farm labor camp.
- (J) "Mobile home park, standard" means a mobile home park developed pursuant to the regulations of Chapter 20.172.
- (K) "Model home" means an unoccupied dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of one (1) family, two (2) family, or multiple dwellings, or a combination thereof.
- (L) "Motel" means any building or portion thereof or group of buildings containing three (3) or more guest rooms or suites where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.
- (M) "Moveable Tiny Home" means a dwelling unit utilized as a single family dwelling unit or accessory dwelling unit which complies with the standards found in Chapter 20.170.

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Sec. 20.008.044 Definitions (N).

- (A) Nonconforming Sign. See Sign, Nonconforming.
- (B) Nonconforming Structure. See Structure, Nonconforming.
- (C) Nonconforming Use. See Use, Nonconforming.
- (D) "Nonconforming Zoning Condition" means a physical improvement on a property that does not conform to current zoning standards.
- ~~(DE)~~ Nonoperating Vehicles, Storage of. See Storage of Nonoperating Vehicles.

Sec. 20.008.046 Definitions (O).

- (A) "Off-site service providers" means businesses where the primary activity is conducted off-premises from the location of the business office or equipment, vehicle, or supply storage. Such business may include but is not limited to contractors, tradespeople, equipment servicers, or instructors.
- (B) Off-Site sign. See Sign, Off-Site.
- (C) On-Site sign. See Sign, On-Site.
- (D) "Open space easement" means an easement established pursuant to Section 51050 or Section 51080 of the Government Code or an easement which ensures the permanent retention of land in open space.
- (E) "Organized camp" means 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;
- (6) Camps operated by organizations such as the Y.M.C.A., Y.W.C.A., Girl Scouts of America, Boy Scouts of America, Camp Fire Girls, Salvation Army, etc., are true prototypes of organized camps. Membership in one (1) of the following organizations is indicative of status as an organized camp:
 - (a) The American Camping Association,
 - (b) The Christian Camp and Conference Association,
 - (c) The California Association of Private Camps,
 - (d) The Association for Outdoor Education Inc., or
 - (e) Other similar camping associations.
- (F) "Original jurisdiction" refers to either the Zoning Administrator, Planning Commission or Board of Supervisors, whichever body has the initial authority to take action for approval or denial, regardless if that action is appealable or final.
- (G) "Owner Occupied Unit" means a unit that is the primary residence of its owner.

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Sec. 20.008.048 Definitions (P).

- (A) "Parcel" means a unit of land or lot which, upon application, is eligible for a Certificate of Compliance.
- (B) "Parcel group" means a cluster of parcels, the maximum number determined by General Plan density.
- (C) "Parking space" means an unobstructed space or area at least nine (9) by twenty (20) feet, other than a street or alley which is permanently reserved and maintained for the parking of one (1) motor vehicle.
- (D) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- ~~(DE)~~ "Permitted Use." For the purpose of this Division, a "permitted use" in any district shall include any use listed as a Permitted Use and shall further include uses subject to an Administrative Permit and uses subject to a Minor-Use Permit and uses subject to a Major Use Permit for the particular district provided a use permit is obtained.
- ~~(EF)~~ "Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.
- ~~(FG)~~ "Planned development" means the development of parcels in a single ownership, which are suitable for and of sufficient acreage to contain a planned community or development; or parcels in multiple ownerships, which are determined to have development limitations, and require that improvement plans be prepared before divisions of land occur, or use permits are approved.
- ~~(G) "Premises" means a lot, or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.~~
- (H) Portable Sign. See Sign, Portable.
- (I) "Principal use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed. "Preliminary Development Plan" means a land use diagram that shows the proposed mixed use project will not prevent orderly future development of any undeveloped portion of the project parcel(s). This plan includes the general location and type of possible future uses, circulation, and utilities outside of the project area and shows the project's relationship with the remainder of the site as well as existing development on adjoining lots and streets.
- (J) "Premise" means a lot or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.
- (K) ~~(G)~~ "Premises" means a lot, or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.
- (KL) Principal use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.
- ~~(LM)~~ Private Garage. See Garage, Private.
- ~~(LN)~~ Projecting Sign. See Sign, Projecting.
- (O) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- ~~(MP)~~ Public Garage. See Garage, Public.
- ~~(NQ)~~ Public Stable. See Stable, Public.

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Sec. 20.008.050 Definitions (R).

- (A) "Recreational vehicles" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, which is less than eight (8) feet wide or forty (40) feet in length.
- (B) "Recreational vehicle park" means an area where one (1) or more camping spaces are rented or leased or held for rent or lease for compensation or profit to owners or users of recreational vehicles or tents and which is intended to be occupied by one (1) or more camping party.
- (C) "Recycling centers" means places of business or public facilities for the collection or processing of recyclable materials which comply with Section 20.024.105.
- (D) "Recyclable material" means reusable material, including but not limited to metals, glass, plastic, or paper which are intended for reuse, reconstitution or remanufacture for the purpose of reusing the altered form. Recyclable materials does not include refuse or hazardous materials except as specifically allowed by a particular use type.
- (E) "Redemption centers" means small collection centers not exceeding three thousand (3,000) square feet for the acceptance and temporary storage of redeemable materials from the public by donation, redemption or purchase, which complies with Section 20.024.107.
- (F) "Refuse disposal site" means an area devoted to the collection, disposal, incineration or transfer of solid waste. Refuse disposal site includes sanitary landfills, transfer stations and containers sites, processing for efficient shipping, disposal or transfer, and accessory recycling and resource recovery facilities and uses.
- (G) "Rental Unit" means a housing unit that is occupied by a party or household that is not its owner, and who pays a fee for the use of the unit.
- (H) "Residential parcel (high density)" means parcels zoned S-R, R-1, R-2, R-3, R-R: L-I or R-C.
- (I) "Resort and recreational facilities" means an establishment comprised of permanent structures offering meals and lodging facilities for temporary or seasonal occupancy, defined as thirty (30) days or less and subject to Mendocino County Code Chapters 5.20 and 6.04, and having recreational facilities for one (1) or more activities such as water sports, tennis, golf, riding, hiking, hunting, fishing or similar uses.
- (J) Roof Sign. See Sign, Roof.
- (K) "Room and Board" means the renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit.

Sec. 20.008.052 Definitions (S).

- (A) ~~(1)~~—"School" means a building or group of buildings which are used or intended to be used for occupancy and use by teachers and students engaged in the process of learning and the pursuit of knowledge. A public school is a free tax supported school controlled by a governmental authority.
- (B) ~~(2)~~—"Seat" or "seating area" means the actual seating capacity of an area based on the number of seats or one (1) seat per eighteen (18) inches on a bench or pew.
- ~~(C)~~ ~~(3)~~—"Second Residential Unit" means either a detached or attached dwelling unit, including a mobile home, which provides complete independent living facilities for one(1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated.
- ~~(C)~~~~(D)~~ "Setback" means a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly to the lot line in a horizontal plane extending across the complete length of said lot line or lines.

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~~(D)~~(E) ~~(4)~~ — "Setback, front yard" means the building or structure setback applicable in the front yard of a lot.

~~(E)~~(F) ~~(5)~~ — "Setback, rear yard" means the building or structure setback applicable in the rear yard of a lot.

~~(F)~~(G) ~~(6)~~ — "Setback, side yard" means the building or structure setback applicable in the side yard of a lot.

~~(G)~~(H) ~~(7)~~ — "Shopping center" means any combination of three (3) or more separately owned or leased and operated retail businesses on a single or commonly owned or leased parcel, or a commercial complex including five (5) or more uses occupying a site of at least two (2) acres. A group of contiguous retail stores, service facilities and related uses utilizing common facilities such as parking, landscaping, signing and loading areas. This group does not necessarily have to be in one (1) ownership.

~~(H)~~(I) ~~(8)~~ — "Sign" means any metal, wood, paper, cloth, plastic, paint, material, structure or part thereof, device or other thing whatsoever which is located upon, placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, fastened or affixed to any building or structure, on the outside or inside of a window or on any awning, canopy, marquee or similar appendage, or on the ground or on any tree, wall, bush, rock, post, fence or other thing whatsoever in such a manner as to be visible out-of-doors and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol device, light, illuminated device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry. "Sign" shall include any portable sign.

~~(I)~~(J) ~~(9)~~ — "Sign area" means the entire area within the smallest parallelogram, triangle, circle, or combination thereof, which can be delineated so as to encompass the extreme limits of all elements comprising an integral part of a sign display, including any frame or border, but not including essential structural elements, unless it is determined that such structural elements are an integral part of the total sign display; provided, however, that where the surface or face of a sign is curved, spherical, cylindrical or any other similar form, the area of such sign shall be computed on the basis of the projected configuration of that surface or face. The area of any double-faced sign shall be the area of the single face, unless otherwise provided. All other multiple-faced signs shall be the total area of all faces or panels. Sign area as it pertains to sign copy shall mean and be computed as the entire area within the smallest continuous perimeter of not more than eight (8) straight lines encompassing the extreme limit of all of the sign copy of a sign. In the case of a sign composed of individual letters or other devices mounted on a building wall, the copy area of such sign shall be the sum of the areas of the smallest rectangles encompassing each of the individual letters or other devices which comprise the sign copy.

~~(J)~~(K) ~~(10)~~ — "Sign face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

~~(K)~~(L) ~~(11)~~ — "Sign, freestanding" means any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building; provided, however, that any such sign which projects over the roof of a building shall be considered to be a freestanding sign.

~~(L)~~(M) ~~(12)~~ — "Sign height" means the highest point of any sign face or structural support members, whichever is the greater.

~~(M)~~(N) ~~(13)~~ — "Sign, nonconforming" means a sign lawfully erected, established, and maintained prior to the effective date of the code codified in this Division, which because of the application of this Division, does not conform to applicable regulations.

~~(N)~~(O) ~~(14)~~ — "Sign, off-site" means any sign as herein defined other than an on-site sign.

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- ~~(O)~~(P) ~~(15)~~ — "Sign, on-site" means any sign which pertains and is accessory to a business or industrial use located on the same lot or which offers a lot or portion thereof for sale or lease.
- ~~(P)~~(Q) ~~(16)~~ — "Sign, portable" means a sign and its supporting structure not permanently affixed to the ground or any structure, or a sign located upon a vehicle or trailer placed or parked so as to be visible from the public right-of-way, for the basic purpose of providing advertisement of products or directing people to a business or activity. Portable signs shall not include business identification signs on vehicles, the primary purpose of which is identifying the business owning or operating the vehicle.
- ~~(Q)~~(R) ~~(17)~~ — "Sign, projecting" means any sign other than a wall sign which is attached to and projects from the wall or face of a building or structure including a marquee sign.
- ~~(R)~~(S) ~~(18)~~ — "Sign, roof" means any sign erected, painted upon, against, or directly above a roof or on top of or above the parapet of a building, and which is supported wholly or in part by said building. Any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building, shall be considered a roof sign where such sign projects over the roof of a building.
- ~~(S)~~(T) Any roof, the slope of which varies not more than forty-five (45) degrees from a vertical plane, shall be considered wall space for the purpose of placement of wall signs.
- ~~(T)~~(U) ~~(19)~~ — "Sign, wall" means any sign painted or mounted on a wall or of solid construction located as to be approximately parallel with the face of a building not to extend eighteen (18) inches from the face of a building or structure.
- ~~(V)~~ ~~(20)~~ — Single-Family Residence. See Dwelling, Single-Family.
- ~~(U)~~(W) "Small family daycare home" means the same as "small family daycare home" as defined in California Health and Safety Code section 1596.78.
- ~~(A)~~(X) ~~(21)~~ — "Stable" means a stable used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.
- ~~(W)~~(Y) ~~(22)~~ — "Stable, public" means a stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding boarding or breeding stables.
- ~~(X)~~(Z) ~~(23)~~ — Standard Mobile Home Park. See Mobile Home Park, Standard.
- ~~(Y)~~(AA) ~~(24)~~ — "Storage of nonoperating vehicles." The storage of "nonoperating motor vehicles" shall not include automobile wrecking. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of nonoperating motor vehicles.
- ~~(Z)~~(BB) ~~(25)~~ — "Street" means a County road, State highway, public road, street or alley, or private thoroughfare or easement not less than ten (10) feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.
- ~~(AA)~~(CC) ~~(26)~~ — "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.
- ~~(BB)~~(DD) ~~(27)~~ — "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; excepting tents, recreational vehicles and fences less than six (6) feet in height.
- ~~(CC)~~(EE) ~~(28)~~ — "Structure, nonconforming" means a building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

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~~(DD)~~(FF) (29)—"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, as defined in California Government Code Section 65582, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in Section 50675.14 of the California Health and Safety Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

~~(EE)~~(GG) (30)—"Swap lot" means a building, structure, enclosure lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise.

~~(FF)~~(HH) (31)—"Swimming pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1½) feet at any point and designed or used for wading or swimming.

Sec. 20.008.054 Definitions (T).

(A) "Tandem Parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(B) "Tasting room" means an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited, however, the incidental provision of food without compensation is allowed.

~~(BC)~~ "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least fifteen (15) cubic feet per acre.

~~(CD)~~ "Trailer coach" means any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include mobile home and recreational vehicle.

~~(DE)~~ "Transient Guest" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

~~(F)~~ "Transient Habitation" means establishments primarily engaged in the provision of lodging services for a period of thirty (30) consecutive calendar days or less with incidental food, drink and other sales and services intended for the convenience of guests.

~~(DG)~~ "Transitional housing" means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, and in no case more than two (2) years, as defined in Section 50675.2 of the California Health and Safety Code. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

~~(EH)~~ Travel Trailer. See Recreational Vehicle.

Sec. 20.008.056 Definitions (U).

(A) "Uniform Building Code (UBC)" means the UBC in use by Mendocino County.

(B) "Usable open space" means one (1) or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor recreation.

(C) "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or which land or a building is or may be occupied or maintained.

(D) Use, Accessory. See Accessory Use.

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- (E) "Use classification" means a system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.
- (F) Use Group. See Use Classification.
- (G) "Use, nonconforming" means the use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located: Eligibility shall include one (1) of the following permits issued prior to March 24, 1982:
 - (1) Prior Use Permit;
 - (2) County Business License;
 - (3) State Resale Permit.
- (H) "Use Permit" means a permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted by right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

~~(I) "Use Permit, Major" means use permit under the original jurisdiction of the Planning Commission.~~

~~(J) "Use Permit, Minor" means use permit under the original jurisdiction of the Zoning Administrator.~~

~~(K)~~ Use Type. See Use Classification.

Sec. 20.008.058 Definitions (V).

- (A) "Variance" means a departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Division.

Sec. 20.008.060 Definitions (W).

~~(A)~~ ~~(A)~~ Wall Sign. See Sign, Wall.

~~(A)~~~~(B)~~ "Water Extraction for Bulk Sale" means extraction of water from a parcel, whether from a well, spring, watercourse or any other source of water, that is not done by a water district, where the water is sold for use on a different property than where it was extracted, including any transportation of water in containers including but not limited to bottles or tank trucks.

~~(B)~~~~C~~ "Wireless communication facility" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.

Sec. 20.008.062 Definitions (Y).

- (A) "Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this Division, on the lot on which a building is situated.
- (B) "Yard, front" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines.
- (C) "Yard, rear" means the yard between a rear lot line or lines and the line defined by a required rear yard setback extending to the side lot lines.
- (D) "Yard, side" means the yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front yard to the rear yard.
- (E) "Yard, side, exterior" means a side yard abutting a street.

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(F) "Yard, side, interior" means any side yard other than an exterior side yard.

Sec. 20.008.064 Definitions (Z).

- (A) "Zone" means an area to which a uniform set of regulations relating to use of the land and the size of and location of buildings on the land, in order to assure the health, safety and general welfare of the County applies.
- (B) "Zoning Administrator" means the Planning and Building Services Director or designated representative who shall have authority to render decisions on ~~minor use permits, variances and~~ administrative permits.
- (C) "Zoning Map" means a map displaying zone district boundaries which is kept and maintained by the Planning and Building Services Department.

CHAPTER 20.012 USE CLASSIFICATIONS

Sec. 20.012.005 General Intent of the Use Classifications.

The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout this Division.

Sec. 20.012.010 Listing of Use Classifications.

All uses are hereby classified into the following use types, which are described in Section 20.016.005 through Section 20.036.010, inclusive. See Section 20.012.015 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout this Division.

(A) Residential Use Types.

- (1) Assisted Living Residential Care Facility;
- (2) Day Care Facility;
- (3) Employee Housing;
- (4) Family residential—single-family;
- (5) Family residential—two-family;
- (6) Family residential—multifamily;
- (7) Family residential—dwelling groups;
- (8) Family residential—cluster development;

~~(6) Farm employee housing;~~

~~(7) Industrial caretaker housing;~~

~~(8) Industrial employee housing;~~

~~(9) Farm labor housing;~~

(9) Low Barrier Navigation Center

~~(10) Mobile home park residential;~~

(11) Supportive Housing;

(12) Transitional Housing.

(B) Civic Use Types.

- (1) Administrative services, government;
- (2) Ambulance services;
- (3) Cemetery services;
- (4) Clinic services;
- (5) Community recreation;
- (6) Cultural exhibits and library services;
- ~~(7) Day care facilities/small schools;~~

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- ~~(7)~~(8) Educational facilities;
- ~~(8)~~(9) Essential services;
- ~~(9)~~(10) Fire and police protection services;
- ~~(10)~~(11) Group care;
- ~~(11)~~(12) Lodge, fraternal and civic assembly;
- ~~(12)~~(13) Major impact facilities;
- ~~(13)~~(14) Major impact services and utilities;
- ~~(14)~~(15) Minor impact utilities;
- ~~(15)~~(16) Religious assembly.

(C) Commercial Use Types.

- (1) Administrative and business offices;
- (2) Agricultural sales and services;
- (3) Animal sales and services—auctioning;
- (4) Animal sales and services—household pets;
- (5) Animal sales and services—horse stables;
- (6) Animal sales and services—kennels;
- (7) Animal sales and services—stockyards;
- (8) Animal sales and services—veterinary. (large animals);
- (9) Animal sales and services—veterinary (small animals);
- (10) Automotive and equipment—cleaning;
- (11) Automotive and equipment—fleet storage;
- (12) Automotive and equipment—parking;
- (13) Automotive and equipment—gasoline sales;
- (14) Automotive and equipment—repairs, light;
- (15) Automotive and equipment—repairs, heavy;
- (16) Automotive and equipment—sales/rentals;
- ~~(17)~~ Automotive and equipment—storage, nonoperating vehicles;
- ~~(17)~~(18) Automotive and equipment—storage, recreational vehicles and boats;
- ~~(18)~~(19) Building maintenance services;
- ~~(19)~~(20) Business equipment sales and services;
- ~~(20)~~(21) Commercial recreation—indoor sports and recreation;
- ~~(22)~~ Commercial recreation—outdoor sports and recreation;
- ~~(24)~~(23) Commercial recreation – outdoor sports and recreation—limited;
- ~~(22)~~(24) Commercial recreation—indoor entertainment;
- ~~(23)~~(25) Commercial recreation—outdoor entertainment;
- ~~(24)~~(26) Communications services;

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~~(25)~~(27) Construction sales and services;
~~(26)~~(28) Cottage industries—limited;
~~(27)~~(29) Cottage industries—general;
~~(28)~~(30) Eating and drinking establishments;
~~(29)~~(31) Financial, services;
~~(30)~~(32) Food and beverage retail sales;
~~(31)~~(33) Food and beverage preparation—without consumption;
~~(32)~~(34) Funeral and interment services;
(35) Laundry services;
~~(33)~~(36) Mail order businesses;
~~(34)~~(37) Medical services;
~~(35)~~(38) Personal services;
(39) Recycling centers;
~~(36)~~(40) Redemption centers
~~(37)~~(41)~~(38)~~ —Repair services, consumer;
~~(38)~~(42)~~(39)~~ —Research services;
~~(39)~~(43)~~(40)~~ —Retail sales, general;
~~(40)~~(44)~~(41)~~ —Scrap operations;
~~(41)~~(45)~~(42)~~ —Swap meets;
~~(42)~~(46)~~(43)~~ —Transient habitation—campground;
~~(43)~~(47)~~(44)~~ —Transient habitation—lodging—limited;
(48) ~~(45)~~ —Transient habitation—lodging;
~~(44)~~(49)~~(46)~~ —Transient habitation—resort and recreational facilities;
~~(45)~~(50)~~(47)~~ —Wholesaling, storage and distribution—mini-warehouses;
~~(46)~~(51)~~(48)~~ —Wholesaling, storage and distribution—light;
~~(47)~~(52)~~(49)~~ —Wholesaling, storage and distribution—heavy.

(D) Industrial Use Types.

- (1) Custom manufacturing;
- (2) Explosives storage;
- (3) General industrial;
- (4) Heavy industrial.

(E) Agricultural Use Types.

- (1) Horticulture;
- (2) Row and field crops;
- (3) Tree crops;
- (4) Animal raising—general agriculture;
- (5) Animal raising—personal;

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- (6) Animal waste processing;
 - (7) Packing and processing—limited;
 - (8) Packing and processing—winery;
 - ~~(9)~~ Packing and processing—general;
 - ~~(9)~~~~(10)~~ Packing and processing—commercial cooperage;
 - ~~(10)~~~~(11)~~ Forest production and processing—limited;
 - ~~(11)~~~~(12)~~ Forest production and processing—general;
 - ~~(13)~~ Forest production and processing—commercial woodlots;
 - ~~(12)~~~~(14)~~ Forest production and processing – portable sawmills.
- (F) Extractive Use Types.
- (1) Mining and processing.

Sec. 20.012.015 Classification of Combination of Principal Uses.

The following rules shall apply where a lot contains uses which resemble two (2) or more different use types and which are not classified either as accessory uses or as permitted secondary uses.

- (A) Separate Classification of Several Establishments. The principal uses conducted on a lot by two (2) or more individual establishments, managements, or institutions shall be classified separately into use types.
- (B) Classification of Different Uses Conducted by Individual Establishment. If principal uses conducted on a lot by an individual establishment, management, or institution resemble two (2) or more different use types all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one (1) or more of the use types on the list:
 - (1) Animal sales and services: auctioning;
 - (2) Animal sales and services: stockyards-;
 - (3) Animal waste processing;
 - (4) Explosive storage;
 - (5) General industrial;
 - (6) Heavy industrial;
 - (7) Major impact services and utilities;
 - (8) Mining and processing;
 - (9) Scrap operations;
 - (10) Wholesaling, storage and distribution: heavy.

Sec. 20.012.020 Classifying Uses.

Uses will be classified into use types upon the description of the use types as contained in Section 20.016.005 through Section 20.036.010, inclusive, and upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 20.012.015 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Director. The Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 20.208.

CHAPTER 20.016 RESIDENTIAL USE TYPES

Sec. 20.016.005 General Description of Residential Use Types.

Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis; ~~but exclude institutional living arrangements involving those providing twenty-four (24) hour skilled nursing or medical care for seven (7) or more individuals unrelated to the resident, owner, or operator and those providing forced residence, such as asylums and prisons.~~ They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

Sec. 20.016.010 Assisted Living Residential Care Facility

A state-authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction, or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.

Sec. 20.016.010-015 Family Residential.

The family residential use type refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwelling or apartment. The following are family residential use types:

- (A) Family Residential—Single-family. The use of a parcel for only one (1) dwelling unit including if said unit is a moveable tiny home consistent with Chapter 20.170;
- (B) Family Residential—Two-family. The use of a parcel for two (2) dwelling units within a single building;
- (C) Family Residential—Multifamily. The use of a parcel for three (3) or more dwelling units in one (1) building;
- (D) Family Residential—Dwelling Groups. The use of a parcel for more than one (1) but not more than four (4) single family dwellings, except on R-2 zoned properties, no more than four (4) dwelling units. On the agriculture, range land, forest land, and timber land production districts, open space easements or other methods may be required on all open space land not included in the residential development area:
- (E) Family Residential—Cluster Development. The use of a parcel for more than four (4) dwelling units when clustered to enhance and protect the agriculture or natural resources of a site. Typical uses are single-family, two (2) family, or multiple-family units which shall meet the requirements in Chapter 20.116 Cluster Combining District.

Sec. 20.016.020 Day Care Facility

The use of a dwelling unit as a “small family daycare home” or “large family daycare home” as defined in California Health and Safety Code section 1596.78. “Small family daycare home” or “large family daycare home” includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides and includes a dwelling or dwelling unit that is rented, leased, or owned. Pursuant to California Health and Safety Code section 1597.45 Day Care Facilities are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Sec. 20.016.015-025 Farm-Employee Housing.

~~Occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. Farm-employee housing shall be limited to one (1) unit per ownership, shall be required to obtain an administrative permit and shall not be required to meet density requirements. Housing for more than one (1) farm employee and his/her family is classified as farm labor housing. Employee Housing consistent with the Employee Housing Act as specified in California Health and Safety Code sections 17000 through 17062.5.~~

Sec. 20.016.020 Farm Labor Housing.

~~Occupancy on a parcel in one (1) or more dwelling units or trailer coaches by more than one (1) farm employee and his/her families which occurs exclusively in association with the performance of agricultural labor. Farm labor housing shall not be required to meet density requirements.~~

Sec. 20.016.025 Industrial Caretaker Housing.

~~One (1) single-family dwelling or a single trailer coach may be permitted on a lot or building site when a commercial or industrial use is existing on the premises or a permit has been issued for the industrial use and zoned 1-1, 1-2 or A-V when occupied exclusively by a caretaker or superintendent of such industrial use and his/her family.~~

Sec. 20.016.030 Industrial Employee Housing.

~~Occupancy of three (3) or fewer trailer coaches by industrial employees or a caretaker and his/her families, which occurs exclusively on industrial zoned property by employees or caretaker and their families of the industrial use on the site. The installation of units for this purpose shall not exceed one (1) unit per six thousand (6,000) square feet.~~

Sec. 20.016.030 Low Barrier Navigation Center

~~A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as further defined in California Government Code section 65660(a).~~

Sec. 20.016.035-035 Mobile Home Park.

The mobile home park use type refers to the residential occupancy of mobile homes by families on a monthly or longer basis. Typical uses include mobile home parks.

Sec. 20.016.040 Supportive Housing.

~~Housing with no limit on length of stay, that is occupied by the target population, as defined in California Government Code Section 65582, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in Section 50675.14 of the California Health and Safety Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.~~

Sec. 20.016.045 Transitional Housing.

~~Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future~~

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point in time, which shall be no less than six (6) months, and in no case more than two (2) years, as defined in Section 50675.2 of the California Health and Safety Code. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

CHAPTER 20.020 CIVIC USE TYPES

Sec. 20.020.005 General Description of Civic Use Types.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

Sec. 20.020.010 Administrative Services Government.

"Administrative services government" means consulting, recordkeeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include Federal, State, County, city or special district offices.

Sec. 20.020.015 Ambulance Services.

"Ambulance services" means transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

Sec. 20.020.020 Cemetery.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Sec. 20.020.025 Clinic Services.

"Clinic services" means providing nonprofit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

~~Sec. 20.020.023 Child Day Care Facility.~~

~~Child Day Care Facility means a facility that provides for non-medical care for children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis. Child day facility includes day care centers, nurseries, employer-sponsored childcare and family day care homes.~~

Sec. 20.020.030 Community Recreation.

"Community recreation" means recreational, social or multipurpose uses owned or operated by a public entity. Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers.

Sec. 20.020.035 Cultural Exhibits and Library Services.

"Cultural exhibits and library services" means nonprofit, museum-like preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

Sec. 20.020.040 Day Care Facilities/Small Schools.

"Day Care Facility/small schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as group care or other facilities exempted by the California Health and Safety Code, e.g. Day Care Homes - Small and Large, or major impact services and utilities. A Day Care Home - Large is subject to an

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Administrative Permit in all zoning districts that permit the Family Residential use types. Typical uses include day nurseries for children, child day care facilities, or day care for elderly, and small schools.

Sec. 20.020.045 Educational Facilities.

"Educational facilities" means public and private schools providing education for more than twenty-five (25) persons.

Sec. 20.020.050 Essential Services.

"Essential services" means services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

Sec. 20.020.055 Fire and Police Protection Services.

"Fire and police protection services" means facilities for conduct of public safety services, including police and fire protection services.

Sec. 20.020.060 Group Care.

"Group care" means services provided in facilities authorized, certified or licensed by the State to provide board, room and personal care to seven (7) or more, but not to exceed twenty-five (25) elderly, or mentally impaired or otherwise handicapped persons or dependent and neglected children but excluding those uses classified under major impact services and utilities. Typical uses include emergency shelters, intermediate care facilities and rest homes.

Sec. 20.020.065 Lodge, Fraternal and Civic Assembly.

"Lodge, fraternal and civic assembly" means meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501(c) of the Internal Revenue Code. Excluded from this use type are uses classified as group care, or transient habitation (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations.

Sec. 20.020.070 Major Impact Facilities.

"Major impact facilities" means services or facilities which may have a substantial impact. Typical uses include airports, hospitals, group care for more than twenty-five (25) persons, detention and correction institutions, and corporation yards.

Sec. 20.020.075 Major Impact Services and Utilities.

"Major impact services and utilities" means services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, [Battery Energy Storage Systems](#), sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants, and radio, telephone and other commercial communication transmission towers and antennas.

Sec. 20.020.080 Minor Impact Utilities.

"Minor impact utilities" means public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations and transmission distribution lines. Radio, telephone and other commercial communication transmission towers and antennas are not included.

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Sec. 20.020.085 Religious Assembly.

"Religious assembly" means religious services involving public assembly such as customarily occurs in synagogues, temples, and churches.

CHAPTER 20.024 COMMERCIAL USE TYPES

Sec. 20.024.005 General Description of Commercial Use Types.

Commercial use types include the distribution and sale or rental of goods; and the provision of services other than those classified as civic uses. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

Sec. 20.024.010 Administrative and Business Offices.

"Administrative and business offices" means offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, travel, secretarial services, telephone answering, photocopy and reproduction, and other activities when the service rendered is that customarily associated with administrative office services. Excluded are banks.

Sec. 20.024.015 Agricultural Sales and Services.

"Agricultural sales and services" means establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the services are rendered. Typical uses include nurseries, hay, feed and grain stores, crop dusting, or tree service firms.

Sec. 20.024.020 Animal Sales and Services.

"Animal sales and services" means establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

- (A) Animal Sales and Services—Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding seventy-two (72) hour periods. Typical uses include animal auctions or livestock auction yards.
- (B) Animal Sales and Services—Household Pets. Retail sales and grooming of dogs, cats, birds, fish and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
- (C) Animal Sales and Services—Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.
- (D) Animal Sales and Services—Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels or dog training centers.
- (E) Animal Sales and Services—Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.
- (F) Animal Sales and Services—Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) and veterinary hospitals (large animals). Typical uses include clinics for the treatment of sheep, cattle, horses, goats and similar large animals.
- (G) Animal Sales and Services—Veterinary (Small Animals). Veterinary services for small animals provided that overnight care shall be within a fully enclosed building or structure. Typical uses include pet clinics, dog and cat hospitals or animal hospitals treating small animals.

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Sec. 20.024.025 Automotive and Equipment.

"Automotive and equipment" means establishment or places of business primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:

- (A) Automotive and Equipment—Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- (B) Automotive and Equipment—Fleet Storage. Storage or parking of one (1) or more vehicles used regularly in business operations. Excluded from this use type are automotive and equipment—sales/rentals, and the incidental parking of vehicles as an accessory use to a permitted use on the same premises. Typical uses include taxi fleets, mobile catering truck storage or delivery truck fleets.
- (C) Automotive and Equipment—Parking. Parking of motor vehicles on a temporary basis within a public or privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or commercial garages.
- (D) Automotive and Equipment—Gasoline Sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.
- (E) Automotive and Equipment—Repairs, Light (Under Six Thousand (6,000) Pounds). Repairs of automobiles, pick-up trucks, recreational vehicles, farm equipment and boats (less than twenty-four (24) feet in length) and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages, auto glass shops or auto parts stores.
- (F) Automotive and Equipment—Repairs, Heavy (Six Thousand (6,000) Pounds and Over). Repair of motor vehicles such as aircraft, boats, (twenty-four (24) feet or longer) heavy construction equipment, trucks, or major truck terminals etc., as well as the sale, installation and servicing of automotive equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
- (G) Automotive and Equipment—Sales/Rentals. Sale, retail or wholesale and/or rental from the premises of auto, trucks, motorcycles, mobile homes, motor homes, trailers, construction equipment, farm equipment and aircraft together with incidental maintenance. Typical uses include auto dealers, car rental agencies, aircraft dealers, boat dealers, construction equipment dealers, or mobile home dealers.
- (H) Automotive and Equipment—Storage, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impound yards.
- (I) Automotive and Equipment—Storage, Recreational Vehicles and Boats. Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.

Sec. 20.024.030 Building Maintenance Services.

"Building maintenance services" means establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Sec. 20.024.035 Business Equipment Sales and Services.

"Business equipment sales and services" means establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction

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and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

Sec. 20.024.040 Commercial Recreation.

"Commercial recreation" means establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

- (A) **Indoor Sports and Recreation.** Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades.
- (B) **Outdoor Sports and Recreation.** Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, swimming pools, water slides, tennis courts, racquetball courts. Shooting ranges and motorcycle parks shall require a use permit.
- (C) **Outdoor Sports and Recreation—Limited.** Recreational activities that are compatible with and not detrimental to the agricultural use of the property, specifically meaning the use of land by the public, with or without charge, for any of the following recreational uses: Walking, hiking, picnicking, swimming, boating, fishing, hunting, equestrian uses or other outdoor games such as golf driving ranges, tennis courts (grass only), par course (physical fitness) and athletic fields (football, soccer and batting practice range). This recreational use is limited as follows:
 - (1) A duration of two (2) years, subject to renewal.
 - (2) No permanent structures may be constructed to support this use.
 - (3) No soil shall be moved to support this use.
 - (4) Use must be in compliance with Williamson Act contract restrictions and with the use as specified in Mendocino County Code Section 22.08.071.
- (D) **Indoor Entertainment.** Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, dance halls and auditoriums.
- (E) **Outdoor Entertainment.** Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, amusement parks.

Sec. 20.024.045 Communications Services.

"Communications services" means establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic mechanisms but excludes those classified as major or minor impact services and utilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

Sec. 20.024.050 Construction Sales and Services.

"Construction sales and services" means establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the automotive and heavy equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, retail lumber, contractors storage yard, furniture manufacturing or cabinet shops.

Sec. 20.024.055 Cottage Industries—Limited.

"Cottage industries—limited" means use types conducted in compliance with Chapter 20.160.

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Sec. 20.024.060 Cottage Industries—General.

"Cottage industries—general" means use types conducted in compliance with Chapter 20.160.

Sec. 20.024.065 Eating and Drinking Establishments.

"Eating and drinking establishments" means establishments or places of business primarily engaged in the sale of prepared food and beverage for on-premises consumption. Typical uses include restaurants, short order eating places, ~~or bars~~, or tasting rooms when not associated with a Packaging and Processing—winery use type.

Sec. 20.024.070 Financial Services.

"Financial services" means establishments primarily engaged in the provision of financial services and banking. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

Sec. 20.024.075 Food and Beverage Retail Sales.

"Food and beverage retail sales" means establishments or places of business primarily engaged in the retail sale of food and beverage for home consumption. Typical uses include grocery stores, liquor stores, delicatessens or retail bakeries.

Sec. 20.024.080 Food and Beverage Preparation—Without Consumption.

"Food and beverage preparation—without consumption" means establishments or places of business primarily engaged in the preparation of food and beverage and which no consumption of the products occur on the premises. Typical uses include catering.

Sec. 20.024.085 Funeral and Interment Services.

"Funeral and interment services" means establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral homes or mortuaries.

Sec. 20.024.090 Laundry Services.

"Laundry services" means establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include laundry agencies, diaper services or linen supply services.

Sec. 20.024.092 Mail Order Businesses.

"Mail order businesses" means the storage, sale and delivery of goods and merchandise produced on or off the premises to retail or wholesale consumers by way of the mails, delivery services, or in any other manner in which visitation to the premises by the wholesale or retail consumers is strictly incidental.

Sec. 20.024.095 Medical Services.

"Medical services" means establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provisions of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

Sec. 20.024.100 Personal Services.

"Personal services" means establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, self-

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service laundry, photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

Sec. 20.024.105 Recycling Centers.

"Recycling centers" means places of business or public facilities for the collection or processing of recyclable materials, including but not limited to metals, glass, plastic, paper, appliances or white metals. Appliances and white metals shall be limited to twenty-five (25) percent of the floor area devoted to the storage of recyclable materials but not more than four hundred (400) square feet. Recycling centers exclude automobile wrecking yards, junk yards, and the collection of refuse or hazardous materials except recyclable batteries, or paint, oil or antifreeze limited to one thousand (1,000) gallons of each fluid. Recycling centers may process recyclable materials for efficient shipping or to an end-user's specifications by baling, bunching, crushing, smashing, separation, shredding or similar action. The recycling of materials excluded from recycling centers may be permitted as an industrial use type. See Chapter 20.164 for exemptions classified as accessory recycling.

Sec. 20.024.107 Redemption Centers.

"Redemption centers" means small collection centers for the acceptance and temporary storage of redeemable recyclable materials from the public by donation, redemption or purchase. A redemption center may include reverse vending machine(s) or a mobile recycling unit. A redemption center shall not exceed three thousand (3,000) square feet, and if not contained within a permanent structure shall be contained behind a minimum six (6) foot high view-obstructing fence secure from unauthorized entry. Processing is limited to preparing the accumulated recyclable material for efficient shipping or to an end-user's specifications, including baling, compacting, crushing, mechanical sorting, or shredding, provided that the noise level does not exceed fifty (50) dBA Leq at the property line adjacent to a residential or similar noise sensitive use or sixty (60) dBA Leq at the property line adjacent to a commercial use. All processing shall be conducted between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday. Recycling which exceeds the limits of a redemption center may be permitted under recycling centers. See also Chapter 20.164 for accessory recycling.

Sec. 20.024.110 Repair Services, Consumer.

"Repair services, consumer" means establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, apparel repair firms or musical instrument repair firms.

Sec. 20.024.115 Research Services.

"Research services" means establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include electronics research laboratories, space research and development firms or pharmaceutical research tabs.

Sec. 20.024.120 Retail Sales, General.

"Retail sales, general" means sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in Sections 20.024.005 to 20.024.115 and Sections 20.024.125 to 20.024.140 (all other commercial use types) inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating

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services, office supplies; bicycles; automotive parts and accessories (excluding service and installation) or hardware stores (excluding lumber storage or sales).

Sec. 20.024.125 Scrap Operations.

"Scrap operations" means places of business primarily engaged in the storage, sale dismantling or other processing of used or waste materials which are not intended for reuse in their original form. Typical uses include automotive wrecking, and junk yards.

Sec. 20.024.130 Swap Meets.

"Swap meets" means display, exchange, barter or sale of new or used common household items or office equipment and furnishings, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

Sec. 20.024.135 Transient Habitation.

"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. The following are transient habitation use types:

- (A) Transient Habitation—Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks or campgrounds. Uses within this use type are subject to Chapter 20.176, Recreational Vehicle Parks and Campgrounds.
- (B) Transient Habitation—Lodging (Limited). Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding houses with three (3) to six (6) rooms.
- (C) Transient Habitation—Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding houses with seven (7) or more rooms.
- (D) Transient Habitation—Resort and Recreational Facilities. Resort services including 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.

Sec. 20.024.140 Wholesaling, Storage and Distribution.

"Wholesaling, storage and distribution" means establishment or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals. The following are wholesaling, storage and distribution use types:

- (A) Wholesaling, Storage and Distribution—Mini-Warehouses.

Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse facility function as an independent retail, wholesale, business or service use. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of four hundred (400) square feet and shall not be used for workshops, hobbyshops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials. Driveways between mini-warehouse buildings on the same site shall have a minimum width of twenty-four (24) feet to accommodate the temporary parking of vehicles during loading and unloading operations.

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- (B) Wholesaling, Storage and Distribution—Light. Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributor, storage warehouses or moving and storage firms.
- (C) Wholesaling, Storage and Distribution—Heavy. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, propane providers, or open storage yards.

CHAPTER 20.036 EXTRACTIVE USE TYPES

Sec. 20.036.005 General Description of Extractive Use Types.

Extractive use types include the on-site production of mineral products by extractive methods. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

Sec. 20.036.010 Mining and Processing.

The mining and processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic materials, geothermal development, oil or gas together with essential processing of only nonmetallic mineral products. Except where conducted within a Mineral Processing Combining District, and subject to the requirement for a ~~major~~-use permit, all such processing shall be of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project (except that portable screening and crushing equipment need not be related to a specific construction project). The sale of additional materials may be allowed for other off-site uses where such materials do not exceed ten percent (10%) of that volume specified for the primary construction project. Typical places or uses include borrow pits, gravel bars, rock quarries, oil and gas drilling rigs, or portable crushing, screening, washing, ~~and~~-mixing plants, and water extraction for bulk sale from either a well, spring, watercourse or any other source that is not a water district.

CHAPTER 20.040 ESTABLISHMENT OF ZONING DISTRICTS

Sec. 20.040.005 Zoning Districts Established.

Mendocino County is divided into zoning districts to allow for orderly, planned development and to implement the General Plan. Table 20.040-A (Zoning Districts Implementing the General Plan) identifies the zoning districts established by this Division and the General Plan land use classifications the zoning districts implement. Table 20.040-A shall be utilized in determining the compatibility of zoning districts with General Plan land use classifications. The minimum parcel size allowed by zoning may not be smaller than the minimum parcel size specified by the General Plan Classification. The several classes of districts, and into which the County may be divided, are designated as follows:

- S-R Suburban Residential;
- R-R Rural Residential;
- A-G Agricultural;
- U-R Upland Residential;
- R-L Rangeland;
- F-L Forest Land;
- ~~T-PPZ~~ Timberland Production;
- R-1 Single-family Residential;
- R-2 Two-family Residential;
- R-3 Multiple-family Residential;
- R-C Rural Community;
- MU-2 General Mixed Use District
- MUNS Mixed Use North State Street
- MUBST Mixed Use Brush Street Triangle
- C-1 Limited Commercial;
- C-2 General Commercial;
- I-1 Limited Industrial;
- I-2 General Industrial;
- P-I Pinoleville Industrial;
- O-S Open Space;
- P-F Public Facilities.

<u>Table 20.040-A – Zoning Districts Implementing the General Plan and Compatibility Chart</u>		
<u>Zoning District Symbol</u>	<u>Zoning District Name</u>	<u>General Plan Land Use Designations Implemented by Zoning District and Compatible with Zoning District</u>
<u>Zoning Districts</u>		
<u>Agricultural and Resource Conservation Zoning Districts</u>		

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<u>Table 20.040-A – Zoning Districts Implementing the General Plan and Compatibility Chart</u>		
<u>A-G</u>	<u>Agricultural District</u>	<u>Remote Residential; Agricultural Lands</u>
<u>R-L</u>	<u>Rangeland District</u>	<u>Rangelands; Remote Residential</u>
<u>F-L</u>	<u>Forest Land District</u>	<u>Remote Residential; Rangelands; Forest Lands; Remote Resource Lands</u>
<u>T-P</u>	<u>Timberland Production District</u>	<u>Remote Residential; Rangelands; Forest Lands; Remote Resource Lands</u>
<u>Residential Zoning Districts</u>		
<u>R-R</u>	<u>Rural Residential</u>	<u>Rural Residential</u>
<u>U-R</u>	<u>Upland Residential</u>	<u>Remote Residential</u>
<u>S-R</u>	<u>Suburban Residential</u>	<u>Rural Community; Suburban Residential</u>
<u>R-1</u>	<u>Single-Family Residential</u>	<u>Rural Community; Suburban Residential</u>
<u>R-2</u>	<u>Two-Family Residential</u>	<u>Rural Community; Mixed-Use, Suburban Residential</u>
<u>R-3</u>	<u>Multiple-Family Residential</u>	<u>Rural Community; Mixed-Use; Suburban Residential</u>
<u>Mixed Use Zoning Districts</u>		
<u>MU-2</u>	<u>Mixed-Use 2</u>	<u>Mixed Use</u>
<u>MUNS</u>	<u>Mixed Use North State</u>	<u>Mixed Use; Mixed Use North State Street (see Ukiah Valley Area Plan)</u>
<u>MUBST</u>	<u>Mixed Use Brush Street Triangle</u>	<u>Mixed Use; Mixed Use Brush Street Triangle (see Ukiah Valley Area Plan)</u>
<u>Commercial Zoning Districts</u>		
<u>C-1</u>	<u>Limited Commercial</u>	<u>Suburban Residential; Commercial; Mixed Use, Rural Community</u>
<u>C-2</u>	<u>General Commercial</u>	<u>Rural Community; Mixed Use; Commercial</u>
<u>R-C</u>	<u>Rural Community</u>	<u>Rural Community</u>
<u>Industrial Zoning Districts</u>		
<u>I-1</u>	<u>Limited Industrial</u>	<u>Rural Community; Industrial</u>

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<u>Table 20.040-A – Zoning Districts Implementing the General Plan and Compatibility Chart</u>		
<u>I-2</u>	<u>General Industrial</u>	<u>Rural Community; Industrial</u>
<u>Public/Quasi-Public Zoning Districts</u>		
<u>O-S</u>	<u>Open Space</u>	<u>Rural Community; Suburban Residential; Rural Residential; Remote Residential; Agricultural Lands; Rangelands; Forest Lands; Remote Resource Lands; Public Lands; Open Space; and Public Services</u>
<u>P-F</u>	<u>Public Facilities</u>	<u>Rural Community; Mixed-Use; Suburban Residential; Rural Residential; Remote Residential; Industrial; Commercial; Agricultural Lands; Public Lands; Public Services</u>

Sec. 20.040.010 Combining Districts.

A combining district supplements the zoning district for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying zoning district. In the event of conflict between the zoning district regulations and the combining district regulations, the provisions of the combining district shall apply. In the event of conflict between multiple overlapping, combining districts, the most stringent regulations shall apply unless an applicable code section explicitly states otherwise. In addition to the districts enumerated in Section 20.040.005, Combining districts may be established and designated as follows, subject to the procedures contained in Chapter 20.212:

- "AHAZ" Special Airport Height Zone Combining District;
- "C" Cluster Combining District;
- "CA" Cannabis Accommodation Combining District;
- "CC" Community Character Combining District;
- "CP" Commercial Cannabis Prohibition Combining District;
- "FP" Special Flood Plain Combining District;
- "IS" Isolated Service Combining District;
- "L" Special Minimum Lot Size Combining District;
- "MP" Mineral Processing Combining District;
- "POPD" Planned Development Combining District;
- "P" Plan Combining District;
- "R" Commercial Resort Combining District;
- "SS" Seismic Study Combining District.
- "SH" Special Hazards Combining District.

Sec. 20.040.015 Location and Boundaries of Districts.

The designation, location and boundaries of the aforesaid districts shall be by written description, assessors parcel or by delineation on zoning maps which may be hereafter be adopted as provided in

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Chapter 20.212, Amendments and Alterations. Said maps and all notations, references, data and other information shown thereon shall become a part of this Division and subject thereto, and all such written descriptions and maps shall constitute Section 20.040.020 (next section) hereof.

Sec. 20.040.020 Zoning Maps of the County of Mendocino.

This Section consists of the document entitled "Computer Print Out of Zoning Designation by Assessors Parcel Number." Said document is hereby adopted and incorporated herein by reference. Copies of said document shall be maintained by the Clerk of the Board and by the Department of Planning and Building Services. Said document shall not be codified.

Sec. 20.040.025 Determining Uncertain Boundaries.

~~The Director of the Department of Planning and Building Services shall determine the boundaries of zoning districts when there is uncertainty. The Director's determination may be appealed to the Planning Commission pursuant to Chapter 20.208. Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:~~

- (A) **Streets or Alleys.** Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such street or alley shall be construed to be the boundaries of such zone.
- (B) **Lot Lines.** Where the zoning boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks, lots, or assessors parcels, the zoning boundaries shall be construed to be lot lines or assessors parcels; and where the indicated boundaries are approximately lot lines or assessors parcels, said lot lines or assessors parcels shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.
- (C) **Scale of Map; ~~Determination by Commission.~~** Where the property is indicated on a zoning map or maps as acreage and not divided into lots, blocks, or assessors parcels or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary line shall be determined by use of the scale on the map unless dimensions are shown thereof by figures. ~~In the event property shown as acreage on the zoning map or maps has been or is subsequently subdivided into lots or blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the zone boundaries were established or property is resubdivided into a different arrangement of lots and blocks than shown on the zone map, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the zone maps and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the copies of the zoning maps in the Planning and Building Services Department shall be changed to conform thereto.~~
- (D) **Vacated Street or Alley.** In the event a dedicated street or alley shown on the zoning map or maps is vacated by resolution or amendment of any section of this Code, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.
- ~~(E) In the event further uncertainty exists the Planning Commission upon written application or upon its own motion, shall determine the location of such boundaries.~~

CHAPTER 20.044 "S-R" SUBURBAN RESIDENTIAL DISTRICT

Sec. 20.044.005 Intent.

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.

Sec. 20.044.010 Permitted Uses.

The following use types are permitted in the S-R District:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility

Day Care Facility

Employee Housing

Family residential-single-family.

Low Barrier Navigation Center

Supportive Housing

Transitional Housing

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Cemetery;

Clinic services;

Community recreation;

Cultural exhibits and library services;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Agricultural Use Types (See Chapter 20.032).

Animal raising—general agriculture;

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

Tree crops.

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(D) Accessory uses as provided in Chapter 20.164.

Sec. 20.044.015 Uses Subject to a ~~Minor-Use~~ Administrative Permit.

The following use types are permitted in the S-R District upon issuance of a ~~Minor-Use~~ Administrative Permit:

(A) Residential Use Types (See Chapter 20.016).

Family residential—two-family;
Family residential—multifamily;
Family residential—dwelling group.

(B) Civic Use Types (See Chapter 20.020).

Day care facilities/small schools;
Group care.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;
Cottage industries—Limited;
Medical services;
Personal services;
Redemption centers;
Repair services, consumer.

Sec. 20.044.020 Uses Subject to a ~~Major-Use~~ Permit.

The following use types are permitted in the S-R District upon issuance of a ~~Major-Use~~ Permit:

(A) Residential Use Types (See Chapter 20.016).

Mobile home residential.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;
Major impact facilities;
Major impact service and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Agricultural sales and services;
Animal sales and services—veterinary (large animals);
Animal sales and services—veterinary (small animals);
Automotive and equipment—gasoline sales;
Commercial recreation—indoor sports and recreation;
Commercial recreation—outdoor sports and recreation;
Commercial recreation—indoor entertainment;
Eating and drinking establishments;
Food and beverage retail sales;

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Transient habitation—Lodging (limited).

(D) Agricultural Use Types (See Chapter 20.032).

Packing and processing winery.

(E) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.044.025 Minimum Lot Area.

(A) For parcels within water and sewer districts:

Mobile home and manufactured home subdivisions: 4,000 square feet;

Single-family residential or other uses: 6,000 square feet.

(B) For parcels within water or sewer districts: 12,000 square feet.

(C) For parcels not in a water or sewer district: 40,000 square feet.

~~Six thousand (6,000) square feet. Four thousand (4,000) square feet for mobile home parks and manufactured home subdivisions.~~

Sec. 20.044.030 Maximum dwelling density.

One (1) single-family per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

(A) For parcels within water and sewer districts:

Single-family; one (1) unit per six thousand (6,000) square feet.

Two-family, multifamily residential: one (1) unit per one thousand five hundred (1,500) square feet.

Mobile home park: one (1) unit per four thousand (4,000) square feet.

(B) For parcels within water or sewer district:

Single-family; one (1) unit per twelve thousand (12,000) square feet.

Two-family, multifamily residential: one (1) unit per twelve thousand (12,000) square feet.

(C) For parcels not in a water or sewer district:

Single-family: one (1) -unit per forty thousand (40,000) square feet. Multiple family dwelling units not permitted.

~~(A) Single family; one (1) unit per six thousand (6,000) square feet.~~

~~(B) Two-family, multifamily residential: one (1) unit per one thousand five hundred (1,500) square feet.~~

~~(C) Mobile home residential: one (1) unit per four thousand (4,000) square feet.~~

Sec. 20.044.035 Minimum Front and Rear Yards.

Twenty (20) feet each. See setback exceptions in section 20.152.015.

Sec. 20.044.040 Minimum Side Yards.

Six (6) feet each. See setback exceptions in section 20.152.015.

Sec. 20.044.045 Building Height Limit.

Thirty-five (35) feet. [See height exceptions in section 20.152.025.](#)

CHAPTER 20.048 "R-R" RURAL RESIDENTIAL DISTRICT

Sec. 20.048.005 Intent.

This district is intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically the "R-R" District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.

Sec. 20.048.010 Permitted Uses.

The following use types are permitted in the RR District:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family.

(B) Civic Use Types (See Chapter 20.020).

Cemetery;

Community recreation;

Cultural exhibits and library services;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) Agricultural Use Types (See Chapter 20.032).

Animal raising—general agriculture;

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

Tree crops.

(D) Accessory uses as provided in Chapter 20.164.

Sec. 20.048.015 Uses Subject to a Minor Use an Administrative Permit.

The following use types are permitted in the R-R District upon issuance of a Minor Use an Administrative Permit.

(A) Residential Use Types (See Chapter 20.016).

Family residential—dwelling groups;

Low Barrier Navigation Center

Supportive Housing

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Transitional Housing

(B) Civic Use Types (see Chapter 20.020);

Administrative services, government;

Ambulance services;

Clinic services;

Day care facilities/small schools;

Group care;

Lodge, fraternal and civic assembly;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Animal sales and service—auctioning;

Animal sales and service—horse stables;

Animal sales and service—kennels;

Animal sales and service—veterinary (all types);

Cottage industries—limited (R-R:L-1; R-R:L-2);

Cottage industries—general (R-R:L-5; R-R:L-10).

(D) Agricultural Use Type (See Chapter 20.032).

Forest production and processing—commercial woodlots.

Sec. 20.048.020 Uses Subject to a ~~Major~~ Use Permit.

The following use types are permitted in the R-R District upon issuance of a ~~Major~~ Use Permit.

(A) Residential Use Types (See Chapter 20.016).

Family residential—cluster development.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;

Major impact facilities;

Major impact services and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Commercial recreation—outdoor sports and recreation;

Transient habitation—lodging (limited).

(D) Agricultural Use Types (See Chapter 20.032).

Packing and processing—winery.

(E) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.048.025 Minimum Lot Area.

(A) R-R:L-1: forty thousand (40,000) square feet;

(B) R-R:L-2: eighty thousand (80,000) square feet;

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- (C) R-R:L-5: five (5) acres;
- (D) R-R:L-10: ten (10) acres.

Sec. 20.048.030 Maximum Dwelling Density.

One (1) single-family per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) R-R:L-1: one (1) unit per forty thousand (40,000) square feet;
- (B) R-R:L-2: one (1) unit per eighty thousand (80,000) square feet;
- (C) R-R:L-5: one (1) unit per five (5) acres;
- (D) R-R:L-10: one (1) unit per ten (10) acres.

Sec. 20.048.035 Minimum Front and Rear Yards.

- (A) R-R:L-1; RR:L-2: twenty (20) feet each; See setback exceptions in section 20.048.045.
- (B) R-R:L-5: thirty (30) feet each; See setback exceptions in section 20.048.045.
- (C) R-R:L-10: fifty (50) feet each. See setback exceptions in section 20.048.045.

Sec. 20.048.040 Minimum Side Yards.

- (A) R-R:L-1; R-R:L-2: six (6) feet each; See setback exceptions in section 20.048.045.
- (B) R-R:L-5: thirty (30) feet each; See setback exceptions in section 20.048.045.
- (C) R-R:L-10: fifty (50) feet each. See setback exceptions in section 20.048.045.

Sec. 20.048.045 Setback Exception.

Any nonconforming parcel which is less than five (5) acres and which is zoned R-R:L-5 or R-R:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

Sec. 20.048.050 Building Height Limit.

Thirty-five (35) feet. See height exceptions in section 20.152.025.

CHAPTER 20.052 "A-G" AGRICULTURAL DISTRICT

Sec. 20.052.005 Intent.

This district is intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the A-G District would be applied to lands subject to ~~Type I~~ Agricultural Preserve contracts, land having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which noncompatible uses could jeopardize the agricultural use of surrounding lands.

Sec. 20.052.010 Permitted Uses.

The following use types are permitted in the A-G District:

(A) **Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family.

(B) **Civic Use Type (See Chapter 20.020).**

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Packing and processing—winery;

Row and field crops;

Tree crops.

(D) **Accessory uses as provided in Chapter 20.164.**

Sec. 20.052.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the A-G District upon issuance of an Administrative Permit:

(A) **Residential Use Types (See Chapter 20.016).**

~~Farm Employee Housing. Farm labor housing;~~

Family residential—dwelling group;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing;

(B) **Civic Use Types (See Chapter 20.020).**

Day care facilities/small schools.

(C) **Commercial Use Types (See Chapter 20.024).**

Agricultural sales and services;

Animal sales and services—auktioning;

Animal sales and services—horse stables;

Animal sales and services—kennels;

Animal sales and services—stockyards;

Animal sales and services—veterinary (large animals);

Cottage industries—general.

(D) ~~(D)~~ **Agricultural Use Types (See Chapter 20.032).**

Packing and processing—general;

Forest production and processing—commercial woodlots;

Forest production and processing—portable sawmills.

~~Sec. 20.052.020 Uses Subject to a Minor Use Permit.~~

~~The following use types are permitted in the A-G District upon issuance of a Minor Use Permit:~~

~~(A) **Residential Use Types (See Chapter 20.016).**~~

~~Farm labor housing;~~

~~Family residential—dwelling group.~~

Sec. 20.052.025-020 Uses Subject to a Major Use Permit.

The following use types are permitted in the A-G District upon issuance of a ~~Minor~~ Major Use Permit:

(A) **Residential Use Types (See Chapter 20.016).**

Family residential—cluster development.

(B) **Civic Use Types (See Chapter 20.020).**

Educational facilities;

Major impact facilities;

Major impact services and utilities.

(C) **Commercial Use Type (See Chapter 20.024).**

Commercial recreation—outdoor sports and recreation (limited).

Transient habitation—lodging (limited).

(D) **Agricultural Use Types (See Chapter 20.032).**

Animal waste processing.

(E) **Extractive Use Type (See Chapter 20.036).**

Mining and processing.

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Sec. 20.052.~~030-025~~ Minimum Lot Area.

Forty (40) acres.

Sec. 20.052.~~035-030~~ Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per forty (40) acres.

Sec. 20.052.~~040-035~~ Minimum Front and Rear Yards.

Fifty (50) feet each. See setback exceptions in section 20.052.045.

Sec. 20.052.~~045-040~~ Minimum Side Yards.

Fifty (50) feet each. See setback exceptions in section 20.052.045.

Sec. 20.052.~~050-045~~ Setback Exceptions.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

Sec. 20.052.~~055-050~~ Building Height Limit.

Fifty (50) feet. See height exceptions in section 20.152.025.

Sec. 20.052.~~060-055~~ Lot Splits in Agricultural Preserves for Farmworker Housing.

- (A) In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:
- (B) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.
- (C) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (D) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.
- (E) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (F) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (G) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

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A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

CHAPTER 20.056 U-R UPLAND RESIDENTIAL DISTRICT

Sec. 20.056.005 Intent.

This district is intended to create and enhance farming and low-density agricultural/residential uses. Typically the U-R District would be applied to nonprime production lands which have constraints to commercial agriculture, timber production or grazing but which are absent of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource lands.

Sec. 20.056.010 Permitted Uses.

The following use types are permitted in a U-R District:

(A) **Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family.

(B) **Civic Use Types (See Chapter 20.020).**

Cemetery;

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—stables-;

(D) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

Tree crops.

(E) **Accessory uses as provided in Chapter 20.164.**

Sec. 20.056.015 Uses Subject to an ~~Minor Use~~ Administrative Permit.

The following use types are permitted in the U-R District upon issuance of an Administrative ~~Minor Use~~ Permit:

(A) **Residential Use Types (See Chapter 20.016).**

Family residential—dwelling group-;

Low Barrier Navigation Centers;

Supportive Housing;

Transitional Housing.

- (B) **Civic Use Types (See Chapter 20.020).**
 - Day care facilities/small school;
 - Group care;
 - Lodge, fraternal and civic assembly;
 - Religious assembly

- (C) **Commercial Use Types (See Chapter 20.024).**
 - Animal sales and services—auction;
 - Animal sales and services—kennel;
 - Animal sales and services—veterinary (large animals);
 - Cottage industries—general.

- (D) **Agricultural Use Types (See Chapter 20.032).**
 - Forest production and processing—portable sawmills.

Sec. 20.056.020 Uses Subject to a ~~Major~~-Use Permit.

The following use types are permitted in the U-R District upon issuance of a ~~Major~~-Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**
 - Family residential—cluster development.

- (B) **Civic Use Types (See Chapter 20.020).**
 - Educational facilities;
 - Major impact facilities;
 - Major impact services and utilities.

- (C) **Commercial Use Types (See Chapter 20.024).**
 - Transient habitation—campground;
 - Transient habitation—lodging (limited);
 - Transient habitation—resort and recreational facilities.

- (D) **Agricultural Use Types (See Chapter 20.032).**
 - Animal waste processing;
 - Packing and processing—winery.

- (E) **Extractive Use Type (See Chapter 20.036).**
 - Mining and processing.

Sec. 20.056.025 Minimum Lot Area.

- (A) U-R:L-20: twenty (20) acres.
- (B) U-R:L-40: forty (40) acres.

Sec. 20.056.030 Maximum Dwelling Density.

One (1) single-family per legally created parcel, except as provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) U-R:L-20: one (1) unit per twenty (20) acres.
- (B) U-R:L-40: one (1) unit per forty (40) acres.

Sec. 20.056.035 Minimum Front and Rear Yards.

Fifty (50) feet each. See setback exceptions in section 20.056.045.

Sec. 20.056.040 Minimum Side Yards.

Fifty (50) feet each. See setback exceptions in section 20.056.045.

Sec. 20.056.045 Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

Sec. 20.056.050 Building Height Limit.

Thirty-five (35) feet. See height exceptions in section 20.152.025.

CHAPTER 20.060 R-L RANGELAND DISTRICT

Sec. 20.060.005 Intent.

This district is intended to create and preserve areas for (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type H Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands.

Sec. 20.060.010 Permitted Uses.

The following use types are permitted in the R-L District:

(A) **Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family.

(B) **Civic Use Types (See Chapter 20.020).**

Cemetery;

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities;

(C) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—horse stables;

Animal sales and services—kennels;

Animal sales and services—stockyards;

(D) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;

Animal raising—personal;

Animal waste processing;

Forest production and processing—limited;

Forest production and processing—portable sawmills;

Horticulture;

Packing and processing—limited;

Packing and processing—winery;

Row and field crops;

Tree crops.

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- (E) Accessory uses as provided in Chapter 20.164.

Sec. 20.060.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the R-L District upon issuance of an Administrative Permit:

- (A) Residential Use Type (See Chapter 20.016).

~~Farm employee housing.~~

~~**Sec. 20.060.020 Uses Subject to a Minor Use Permit**~~

~~The following use types are permitted in the R-L District upon issuance of a Minor Use Permit:~~

- ~~(A) Residential Use Types (See Chapter 20.016).~~

~~Family residential—dwelling groups;~~

~~Low Barrier Navigation Center;~~

~~Supportive Housing;~~

~~Transitional Housing.~~

~~Farm labor housing.~~

- (B) Civic Use Types (See Chapter 20.020).

Day care facilities/ small schools

- (C) Commercial Use Types (See Chapter 20.024).

Agricultural sales and services;

Animal sales and services—auctioning;

Animal sales and services—veterinary (large animals);

Cottage industries—general.

- (D) Agricultural Use Types (See Chapter 20.032).

Packing and processing—general.

Sec. 20.060.025-020 Uses Subject to a Major Use Permit.

The following use types are permitted in the R-L District upon issuance of a Major Use Permit:

- (A) Residential Use Types (See Chapter 20.016).

Family residential—cluster development.

- (B) Civic Use Types (See Chapter 20.020).

Educational facilities;

Lodge, fraternal and civic assembly;

Major impact services and utilities;

Religious assembly.

- (C) Commercial Use Types (See Chapter 20.024).

Commercial recreation—outdoor sports and recreation;

Commercial recreation—outdoor entertainment;

Transient habitation—campground;

Transient habitation—lodging (limited);

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Transient habitation—resort and recreational facilities.

(D) **Agricultural Use Types (See Chapter 20.032).**

Packing and processing—commercial ~~cooperate~~cooperage.

(E) **Extractive Use Types (See Chapter 20.036).**

Mining and processing.

Sec. 20.060.~~030-025~~ Minimum Lot Area.

One hundred sixty (160) acres.

Sec. 20.060.~~035-030~~ Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per one hundred sixty (160) acres.

Sec. 20.060.~~040-035~~ Minimum Front and Rear Yards.

Fifty (50) feet each. See setback exceptions in section 20.060.045.

Sec. 20.060.~~045-040~~ Minimum Side Yards.

Fifty (50) feet each. See setback exceptions in section 20.060.045.

Sec. 20.060.~~050-045~~ Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

Sec. 20.060.~~055-050~~ Building Height Limit.

Thirty-five (35) feet. See height exceptions in section 20.152.025.

Sec. 20.060.~~060-055~~ Lot Splits in Agricultural Preserves for Farmworker Housing.

In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

- (A) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.
- (B) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (C) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.

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- (D) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (E) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (F) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

CHAPTER 20.064 F-L FOREST LAND DISTRICT

Sec. 20.064.005 Intent.

This district is intended to create and preserve areas suited for the growing, harvesting and production of timber and timber-related products. Processing of products produced on the premises would be permitted as would certain commercial activities associated with timber production and the raising of livestock. Typically the F-L District would be applied to lands not zoned Timberland Production but which have the present or future potential for timber production, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection of efficient management of timber resource lands.

Sec. 20.064.010 Permitted Uses.

The following use types are permitted in the F-L District:

(A) **Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing

Family residential—single-family.

(B) **Civic Use Types (See Chapter 20.020).**

Cemetery;

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—horse stables.

Animal sales and services—kennels.

(D) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—personal;

Animal raising—general agriculture;

Animal waste processing;

Forest production and processing—limited;

Forest production and processing—portable sawmills;

Horticulture;

Packing and processing—limited;

Packing and processing—winery;

Row and field crops;

Tree crops.

(E) **Accessory uses as provided in Chapter 20.164.**

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Sec. 20.064.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the F-L District upon issuance of an Administrative Permit:

(A) **Residential Use Types (See Chapter 20.016).**

Family residential—dwelling Groups;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing;

~~Farm employee housing.~~

(B) Civic Use Types (See Chapter 20.020)

~~Day care facilities/small schools.~~ Day care facilities/small schools.

(C) Commercial Use Types (See Chapter 20.024).

Animal sales and services—auktioning;

Animal sales and services—stockyard;

Cottage industries—general.

(D) Agricultural Use Types (See Chapter 20.032).

Forest production and processing—general.

Forest production and processing—commercial woodlots;

Packing and processing—general.

~~Sec. 20.064.020 Uses Subject to a Minor Use Permit.~~

~~The following use types are permitted in the F-L District upon issuance of a Minor Use Permit.~~

~~(A) **Residential Use Types (See Chapter 20.016).**~~

~~Family residential—dwelling Groups;~~

~~Farm labor housing.~~

~~(B) **Civic Use Types (See Chapter 20.020)**~~

~~Day care facilities/small schools.~~

~~(C) **Commercial Use Types (See Chapter 20.024).**~~

~~Animal sales and services—auktioning;~~

~~Animal sales and services—stockyard;~~

~~Cottage industries—general.~~

~~(D) **Agricultural Use Types (See Chapter 20.032).**~~

~~Forest production and processing—general.~~

~~Forest production and processing—commercial woodlots;~~

~~Packing and processing—general.~~

Sec. 20.064.025-020 Uses Subject to a Major Use Permit.

The following use types are permitted in the F-L District upon issuance of a ~~Major Use~~ Permit:

(A) **Residential Use Types (See Chapter 20.016).**

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Family residential—cluster development.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;

Lodge, fraternal and civic assembly;

Major impact services and utilities;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Commercial recreation—outdoor sports and recreation;

Commercial recreation—outdoor entertainment;

Transient habitation—campground;

Transient habitation—lodging (limited);

Transient habitation—resort and recreational facilities.

(D) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.064.030-025 Minimum Lot Area.

One hundred sixty (160) acres.

Sec. 20.064.035-030 Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per one hundred sixty (160) acres.

Sec. 20.064.040-035 Minimum Front and Rear Yards.

Fifty (50) feet each. See setback exceptions in section 20.064.045.

Sec. 20.064.045-040 Minimum Side Yards.

Fifty (50) feet each. See setback exceptions in section 20.064.045.

Sec. 20.064.050-045 Setback Exceptions.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

Sec. 20.064.055-050 Building Height Limit.

Thirty-five (35) feet.

Sec. 20.064.060-055 Lot Splits in Agricultural Preserves for Farmworker Housing.

In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

- (A) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.

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- (B) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (C) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.
- (D) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (E) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (F) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

CHAPTER 20.068 TPZ TIMBERLAND PRODUCTION ZONING DISTRICT

Sec. 20.068.005 Intent.

This district is intended to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.

Sec. 20.068.010 Permitted Uses.

The following compatible use types are permitted in the TPZ District:

(A) **Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility

Day Care Facility

Employee Housing

Family residential—single-family.

Farm employee housing.

(B) **Civic Use Types (See Chapter 20.020).**

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—personal:

Animal raising—general agriculture;

Forest production and processing—all types;

Horticulture;

Packing and processing—limited,

Row and field crops;

Tree crops.

(D) **Accessory uses as provided in Chapter 20.164.**

Sec. 20.068.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the TPZ District upon issuance of an Administrative Permit:

(A) **Residential Use Type (See Chapter 20.016).**

Farm employee housing. Family residential—dwellings groups;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing.

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~~Farm labor housing.~~

~~(B) Commercial Use Types (See Chapter 20.024).~~

~~Cottage industries—general.~~

Sec. 20.068.020 Uses Subject to a Minor Use Permit.

The following use types are permitted in the TPZ District upon issuance of a Minor Use Permit:

~~(B) Residential Use Types (See Chapter 20.016).~~

~~Family residential—dwellings groups;~~

~~Farm labor housing.~~

~~(C) Commercial Use Types (See Chapter 20.024).~~

~~Cottage industries—general.~~

Sec. 20.068.025-020 Uses Subject to a Major Use Permit.

The following use types are permitted in the TPZ District upon the issuance of a Major Use Permit:

(A) Residential Use Types (See Chapter 20.016).

Family residential—cluster development.

(B) Civic Use Types (See Chapter 20.020).

Major impact services and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Transient habitation—campground;

Transient habitation—lodging (limited).

(D) Agricultural Use Type (See Chapter 20.032).

Animal waste processing.

(E) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.068.030-025 Special Provisions.

No use permit shall be granted in a TPZ District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products.

Sec. 20.068.035-030 Minimum Lot Area.

One hundred sixty (160) acres.

Sec. 20.068.040-035 Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per one hundred sixty (160) acres, maximum of four (4) for the total ownership.

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Sec. 20.068.045-040 Minimum Front and Rear Yards.

Fifty (50) feet each. [See setback exceptions in section 20.068.050.](#)

Sec. 20.068.050-045 Minimum Side Yards.

Fifty (50) feet each. [See setback exceptions in section 20.068.050.](#)

Sec. 20.068.055-050 Setback Exception.

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. [Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.](#)

Sec. 20.068.060-055 Building Height Limit.

Thirty-five (35) feet. [See height exceptions in section 20.152.025.](#)

CHAPTER 20.072 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 20.072.005 Intent.

This district is intended to create and enhance neighborhoods where a topography, access, utilities and public services make the land suitable and desirable for single-family home development and community services appurtenant thereto.

Sec. 20.072.010 Permitted Uses.

The following use types are permitted in the R-1 District:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family.

(B) Civic Use Types (See Chapter 20.020).

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) Agricultural Use Types (See Chapter 20.032).

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

Tree crops.

(D) Accessory uses as provided in Chapter 20.164.

Sec. 20.072.015 Uses Subject to an Administrative Minor Use Permit.

The following use types are permitted in the R-1 District upon issuance of an Administrative ~~Minor Use~~ Permit:

(A) Residential Use Types (See Chapter 20.016).

Family residential—dwelling groups—~~i~~

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing.

(B) Civic Use Types (See Chapter 20.020).

**ATTACHMENT 1
EXHIBIT A**

Cemetery;
Day care facilities/small schools;
Group care;
Lodge, fraternal and civic assembly;
Religious assembly.

Sec. 20.072.020 Uses Subject to a ~~Major~~ Use Permit.

The following use types are permitted in the R-1 District upon issuance of a ~~Major~~ Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**
Mobile Home Park.
- (B) **Civic Use Types (See Chapter 20.020).**
Major impact services and utilities.
- (C) **Commercial Use Types (See Chapter 20.024).**
Commercial recreation—outdoor sports and recreation;
Transient habitation—lodging (limited).
- (D) **Extractive Use Types (See Chapter 20.036).**
Mining and processing.

Sec. 20.072.025 Minimum Lot Area.

- (A) For parcels within water and sewer districts:
4,000 square feet for mobile home parks;
6,000 square feet for single-family residential use.
- (B) For parcels within water or sewer districts: 12,000 square feet.
- (A) ~~For parcels not in a water or sewer district: 40,000 square feet. Six thousand (6,000) square feet.~~

Sec. 20.072.030 Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential— Dwelling Group use type and shall be consistent with the following density standards:

- (A) For parcels within water and sewer districts:
One (1) single family dwelling per 4,000 square feet of lot area in mobile home parks.
One (1) single family dwelling per 6,000 square feet of lot area.
- (B) For parcels within water or sewer districts:
One (1) single-family dwelling per 12,000 square feet of lot area.
- (C) For parcels not in a water or sewer district:
One (1) single family dwelling per 40,000 square feet of lot area.
- (A) ~~Single family: one (1) unit per six thousand (6,000) square feet.~~
- (B) ~~Mobile home park: one (1) unit per four thousand (4,000) square feet.~~

Sec. 20.072.035 Minimum Front and Rear Yards.

Twenty (20) feet. [See setback exceptions in section 20.152.015.](#)

Sec. 20.072.040 Minimum Side Yards.

Six (6) feet each. [See setback exceptions in section 20.152.015.](#)

Sec. 20.072.045 Building Height Limit.

Thirty-five (35) feet. [See height exceptions in section 20.152.025.](#)

CHAPTER 20.076 R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 20.076.005 Intent.

This district is intended to create and enhance certain medium-density residential areas, where a compatible mingling of single-family units, dual-unit dwellings and community services appurtenant thereto are likely to occur.

Sec. 20.076.010 Permitted Uses.

The following use types are permitted in the R-2 District:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family;

Family residential—two-family;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing.

(B) Civic Use Types (See Chapter 20.020).

Community recreation;

Essential services;

Fire and police protection services;

Minor impact utilities.

(C) Agricultural Use Types (See Chapter 20.032).

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

Tree crops.

(D) Accessory uses as provided in Chapter 20.164.

Sec. 20.076.015 Uses Subject to an Minor Use Administrative Permit.

The following use types are permitted in the R-2 District upon issuance of an Minor Use Administrative Permit:

(A) Residential Use Types (See Chapter 20.016)

Family residential—dwelling groups.

(B) Civic Use Types (See Chapter 20.020)

**ATTACHMENT 1
EXHIBIT A**

Cemetery;
Day care facilities/small schools;
Group care;
Lodge, fraternal and civic assembly;
Religious assembly.

Sec. 20.076.020 Uses Subject to a ~~Major~~ Use Permit.

The following use types are permitted in the R-2 District upon issuance of a ~~Major~~ Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**
Mobile Home Park.
- (B) **Civic Use Types (See Chapter 20.020).**
Major impact services and utilities;
- (C) **Commercial Use Types (See Chapter 20.024).**
Commercial recreation—outdoor sports and recreation;
Transient habitation—lodging (limited).
- (D) **Extractive Use Types (See Chapter 20.036).**
Mining and processing.

Sec. 20.076.025 Minimum Lot Area.

- (A) For parcels within water and sewer districts:
4,000 square feet for mobile home parks;
6,000 square feet for single-family or two-family residential use.
- (B) For parcels within water or sewer districts: 12,000 square feet.
For parcels not in a water or sewer district: 40,000 square feet. ~~Six thousand (6,000) square feet.~~
- (C) _____

Sec. 20.076.030 Maximum Dwelling Density.

One (1) single-family per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) For parcels within water and sewer districts:
 - (A) —Single-family: one (1) unit per six thousand (6,000) square feet.
 - (B) —Two-family: ~~two (2) one (1) two-family units~~ per six thousand (6,000) square feet.
 - (C) —Mobile home park: one (1) unit per four thousand (4,000) square feet.
- (B) For parcels within water or sewer districts:
 - Single-family: one (1) unit per twelve-thousand (12,000) square feet.
 - Two-family: one (1) two-family unit per twelve-thousand (12,000) square feet.
- (C) For parcels not in a water or sewer district:
 - Single-family: one (1) unit per 40,000 square feet.

Two-family: one (1) two-family unit per 40,000 square feet.

~~(A) Single family: one (1) unit per six thousand (6,000) square feet.~~

~~(B) Two family: two (2) units per six thousand (6,000) square feet.~~

~~(C) Mobile home park: one (1) unit per four thousand (4,000) square feet.~~

Sec. 20.076.035 Minimum Front and Rear Yards.

Twenty (20) feet each. See setback exceptions in section 20.152.015.

Sec. 20.076.040 Minimum Side Yards.

Six (6) feet each. See setback exceptions in section 20.152.015.

Sec. 20.076.045 Building Height Limit.

Thirty-five (35) feet. See height exceptions in section 20.152.025.

CHAPTER 20.080 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 20.080.005 Intent.

This district is intended to create and enhance areas suitable for higher density residential uses, and for professional offices and institutional uses.

Sec. 20.080.010 Permitted Uses.

The following use types are permitted in the R-3 District:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—multi-family;

Low Barrier Navigation Center

Supportive Housing;

Transitional Housing.

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Clinic services; Community recreation;

Cultural exhibits and library services;

Day care facilities/small schools;

Essential services;

Fire and police protection services;

Group care;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;

Community recreation—outdoor sports and recreation;

Medical services;

Personal services;

(D) Agricultural Use Types (See Chapter 20.032).

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

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Tree crops.

- (E) Accessory uses as provided in Chapter 20.164.

Sec. 20.080.015 Uses Subject to a ~~Minor Use~~ an Administrative Permit.

The following use types are permitted in the R-3 District upon issuance of a ~~Minor Use~~ an Administrative Permit:

- (A) Residential Use Types (See Chapter 20.016).

Family residential—single family;*

Family residential—two family;*

~~*(The above use types may be permitted with an Administrative Permit if the subject property can be shown to have development constraints such as size, topography, or infrastructural deficiencies such as water or sewer availability. The purpose of this provision is to preserve the intent of the multi-family zoning designation.)~~

Family residential—dwelling groups.

- (B) Civic Use Types (See Chapter 20.020).

Cemetery.

- (C) Commercial Use Types (See Chapter 20.024).

Automotive and equipment—parking.

Sec. 20.080.020 Uses Subject to a ~~Major Use~~ Permit.

The following use types are permitted in the R-3 District upon issuance of a ~~major~~ use permit:

- (A) Residential Use Types (See Chapter 20.016).

Mobile home ~~residential~~ park.

- (B) Civic Use Types (See Chapter 20.020).

Educational facilities;

Major impact facilities;

Major impact services and utilities.

- (C) Commercial Use Types (See Chapter 20.024).

Commercial recreation—indoor entertainment;

Transient habitation—campground;

Transient habitation—lodging (limited).

- (D) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.080.025 Minimum Lot Area.

- (A) For parcels within water and sewer districts:

4,000 square feet for mobile home parks;

6,000 square feet for all other residential use.

- (B) For parcels within water or sewer districts: 12,000 square feet.

- (C) For parcels not in a water or sewer district: 40,000 square feet.

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~~Six thousand (6,000) square feet. Four thousand (4,000) square feet for mobile home parks and manufactured home subdivisions.~~

Sec. 20.080.030 Maximum Dwelling Density.

~~(A) For parcels within water and sewer districts:~~

~~Single-family and Mobile Home Parks: one (1) unit per four thousand (4,000) square feet.~~

~~Two-family; multi-family: one (1) unit per one thousand five hundred (1,500) square feet.~~

~~(B) For parcels within water or sewer districts:~~

~~Single-family: one (1) unit per twelve-thousand (12,000) square feet.~~

~~Two-family; Multi-family: one (1) units per twelve-thousand (12,000) square feet.~~

~~(C) For parcels not in a water or sewer district:~~

~~Single-family: one (1) unit per 40,000 square feet.~~

~~Two-family; Multi-family: not permitted.~~

~~(A) Single-family; Mobile Home Residential: one (1) unit per four thousand (4,000) square feet.~~

~~(B) Two-family; Multifamily Residential: one (1) unit per one thousand five hundred (1,500) square feet.~~

Sec. 20.080.035 Minimum Front and Rear Yards.

Twenty (20) feet each. See setback exceptions in section 20.152.015.

Sec. 20.080.040 Minimum Side Yards.

Six (6) feet each. See setback exceptions in section 20.152.015.

Sec. 20.080.045 Building Height Limit.

Fifty (50) feet. See height exceptions in section 20.152.025.

CHAPTER 20.084 R-C RURAL COMMUNITY DISTRICT

Sec. 20.084.005 Intent.

This district is intended to maintain and enhance existing rural communities where a mixture of residential, commercial, and limited industrial uses are desired. Such a mixture may include commercial uses occupying the ground floor with residential uses above, or limited industrial uses abutting commercial uses with appropriate buffering to achieve compatibility with adjacent uses. The regulations of this Chapter are intended to insure that new developments, particularly commercial and limited industrial uses, are compatible in scale, function and character in those communities where this district is applied.

Sec. 20.084.010 Permitted Uses.

The following uses types are permitted in the R-C Districts:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—single-family;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing.

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Cemetery;

Clinic services;

Community recreation;

Cultural exhibits and library services; Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Agricultural Use Types (See Chapter 20.032).

Animal raising—general agriculture;

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;

Row and field crops;

Tree crops.

(D) Accessory uses as provided in Chapter 20.164.

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Sec. 20.084.015 Uses Subject to a ~~Minor-Use~~ Administrative Permit.

The following uses are permitted in the R-C District upon issuance of a ~~minor-use~~ Administrative permit:

(A) Residential Use Types (See Chapter 20.016).

Family residential—two family;
Family residential—multifamily;
Family residential—dwelling groups.

(B) Civic Use Types (See Chapter 20.020).

Day care facilities/small schools;
Group care.

(C) Commercial Use Types (See Chapter 20.024).

Agricultural sales and services;
Animal sales and services—all types;
Automotive and equipment—all types;
Building maintenance services;
Business equipment sales and services;
Communication services;
Construction sales and services;
Cottage industries—limited;
Eating and drinking establishments;
Financial services;
Food and beverage retail sales;
Funeral and interment services;
Laundry services;
Mail order businesses;
Medical services;
Personal services;
Recycling centers;
Redemption centers;
Repair services, consumer;
Research services;
Retail sales, general;
Swap meets;
Wholesaling, storage and distribution—all types.

Sec. 20.084.020 Uses Subject to a ~~Major-Use~~ Permit.

The following use types are permitted in the R-C District upon securing a ~~Major-Use~~ Permit:

(A) Residential Use Types (See Chapter 20.016).

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Mobile home residential.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;
Major impact facilities;
Major impact services and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Commercial recreation (all types);
Scrap operations;
Transient habitation—all types.

(D) Industrial Use Types (See Chapter 20.028).

Custom manufacturing.

(E) Agricultural Use Types (See Chapter 20.032).

Packing and processing—winery;
Packing and processing—general;
Forest production and processing—commercial woodlots;
Forest production and processing—general.

(F) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.084.025 Minimum Lot Area.

(A) For parcels within water and sewer districts:

Commercial Use: None

Mobile Home Parks: four thousand (4,000) square feet

Residential: six thousand (6,000) square feet.

(B) For parcels within water or sewer districts: twelve thousand (12,000) square feet

(C) For parcels not in a water or sewer district: forty thousand (40,000) square feet.

~~(A) Commercial: none.~~

~~(B) Residential: six thousand (6,000) square feet. Four thousand (4,000) square feet for mobile home subdivisions and manufactured home subdivisions.~~

Sec. 20.084.030 Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

(A) For parcels within water and sewer districts:

Single-family: one (1) unit per six thousand (6,000) square feet.

Two-family; Mobile Home Residential: one (1) unit per four thousand (4,000) square feet.

Multi-family: one (1) unit per one thousand five hundred (1,500) square feet.

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(B) For parcels within water or sewer district:

Single-family; Two-family; Multi-family: one (1) unit per twelve thousand (12,000) square feet.

(C) For parcels not in a water or sewer district:

Single-family: one (1) unit per forty thousand (40,000) square feet.

Two-family; Multi-family: not permitted.

~~(A) Single-family: one (1) unit per six thousand (6,000) square feet.~~

~~(B) Two-family; Mobile Home Residential: one (1) unit per four thousand (4,000) square feet.~~

~~(C) Multifamily: one (1) unit per one thousand five hundred (1,500) square feet.~~

Sec. 20.084.035 Minimum Front and Rear Yard.

Twenty (20) feet each. See setback exceptions in section 20.152.015.

Sec. 20.084.040 Minimum Side Yards.

Six (6) feet each. See setback exceptions in section 20.152.015.

Sec. 20.084.045 Building Height Limit.

Thirty-five (35) feet. See height exceptions in section 20.152.025.

CHAPTER 20.085 MU-2 GENERAL MIXED USE DISTRICT

20.085.005 Intent.

The intent of the Mixed Use General zoning district is to promote greater efficiency and economy in providing public services, conserve agriculture and resource lands, preserve the rural character of the County, and provide more opportunities for affordable housing. It will also encourage more walking and biking, benefiting community health. This zoning district implements the mixed use land use classification contained in both the General Plan and Ukiah Valley Area Plan and is intended to accomplish the following general objectives.

- (A) The Mixed Use General zoning district is intended to allow multiple story mixed use developments with commercial uses encouraged at street level. Uses may be mixed vertically or horizontally (stacked or linearly) on the site.
- (B) Mixed use developments should combine at least two (2) of the permitted uses listed in Section 20.085.010 and are encouraged to include public open space and facilities.
- (C) Multi-family and live/work uses shall be encouraged but should be designed and sited in a manner that is compatible with and protects the ability of on-site and adjacent commercial and light industrial uses to operate and expand.
- (D) Single-use residential or commercial projects shall be discouraged.
- (E) Promote higher density mixed use development along the State Street Corridor to support public transit.

20.085.006 Definitions.

~~See definitions for "Community Design Guidelines", "Floor area ratio", "Live-work use", "Mixed-Use" and "Preliminary Development Plan" in Chapter 20.008. "Community Design Guidelines" means a set of standards regarding the aesthetics of development, including building appearance and character, colors, landscaping, location of parking, siting of structures on building sites, and other issues that are used to evaluate the suitability and appropriateness of individual projects in terms of overall visual appearance, capacity to unify streetscapes, expression of valued community themes, establishment of a "sense of place," and enhancement of community cohesiveness.~~

~~"Floor area ratio" means the ratio of total building floor area to total site area, is a commonly used measure of commercial and industrial development intensity. It is typically expressed as a decimal, i.e. 0.50.~~

~~"Live-work use" means a type of residential use that physically integrates the resident's commercial or manufacturing workspace within the same building or site.~~

~~"Mixed Use" means the development of any permitted residential use in conjunction with at least one (1) commercial or civic use type within the same building, either vertically (i.e., different uses located on separate floors) or horizontally (i.e., different uses located side-by-side on the same floor), or in multiple buildings, located on one (1) or more parcels, that are developed with shared site improvements such as pedestrian walkways, landscaping, public spaces (e.g., courtyards and plazas), and vehicle parking and circulation.~~

~~"Preliminary Development Plan" means a land use diagram that shows the proposed mixed use project will not prevent orderly future development of any undeveloped portion of the project parcel(s). This plan includes the general location and type of possible future uses, circulation, and utilities outside of the project area and shows the project's relationship with the remainder of the site as well as existing development on adjoining lots and streets.~~

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20.085.010 Permitted Uses.

The following use types are permitted uses provided the development of any permitted residential use occurs in conjunction with at least one (1) different permitted commercial or civic use type on the same property, as a live-work use, or is part of a mixed use project:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family Residential — single-family;

Family Residential — two-family;

Family residential—multifamily;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing;

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Clinic services;

Cultural exhibits and library services;

Day care facilities/small schools;

Essential services;

Group care;

Lodge, fraternal and civic assembly;

Religious assembly

(C) Commercial Use Types (See Chapter 20.024).

Administrative & Business Offices;

Communication Services;

Eating and Drinking Establishments;

Food and Beverage Retail Sales;

Medical Services;

Personal Services;

Repair Services, Consumer;

Retail Sales, General.

(D) Accessory uses as provided in Chapter 20.164.

20.085.015 Uses Subject to ~~a Minor Use~~ an Administrative Permit.

The following uses are permitted in a mixed use project upon issuance of ~~a Minor Use~~ an Administrative Permit:

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(A) Agricultural Use Types (See Chapter 20.032).

Animal Raising — Personal.

(B) Civic Use Types (See Chapter 20.020).

Ambulance services;

Fire and police protection services;

Minor impact utilities;

Community Recreation.

(C) Commercial Use Types (See Chapter 20.024).

Laundry services;

Redemption Centers.

20.085.020 Uses Subject to a ~~Major~~-Use Permit.

The following use types are permitted in a mixed use project upon securing a ~~Major~~-Use Permit:

(A) Civic Use Types (See Chapter 20.020).

Educational facilities;

Major impact facilities;

Major impact services and utilities.

(B) Industrial Use Types (See Chapter 20.028).

Custom manufacturing.

20.085.025 Minimum Lot Area.

Twelve thousand (12,000) square feet, except smaller lot sizes may be permitted upon approval of a mixed use site development plan.

20.085.030 Maximum Dwelling Density.

Residential Use: one (1) unit per one thousand five hundred (1,500) square feet, except that a density bonus may be granted for the provision of affordable housing in accordance with ~~Section 20.238.045 (Density Bonus and Other Incentives) Chapter 20.234 of the County Code.~~

20.085.035 Minimum Front and Rear Yard.

(A) Residential Use: Twenty (20) feet.

(B) Non-Residential Use: None, except that a rear yard contiguous with a residential zoning district shall not be less than twenty (20) feet.

20.085.040 Minimum Side Yard.

(A) Residential Use: Six (6) feet.

(B) Non-Residential Use: None, except that a five (5) foot side yard is required adjoining any district other than commercial or industrial.

20.085.045 Building Height Limit.

Fifty (50) feet.

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20.085.050 Building Floor Area Ratio.

- (A) Residential Use: None
- (B) Non-Residential Use: Three-tenths (0.3) minimum; One (1.0) maximum.

20.085.055 Mixed Use Compatibility Standards.

All permitted mixed use projects shall be consistent with the Mixed Use Compatibility Standards and are encouraged to incorporate design principles and examples contained in the Community Design Guidelines to the extent feasible. Any permitted mixed use project determined to be inconsistent with these standards shall be subject to a discretionary permit as described in Section 20.085.060, Mixed Use Development Review.

- (A) Land Use: Structures and site improvements associated with mixed use projects shall be developed and operated according to the following land use standards.
 - (1) Site Improvements: Building siting and orientation, and landscape improvements shall integrate pedestrian circulation. Site and landscape improvements shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, and landscaped berms) and other structures that create semi-protected outdoor spaces. Pedestrian use areas shall be visible from street corridors and pedestrian access routes.
 - (2) Separation: Separation between use types, whether the uses are located on the same parcel or not, shall apply in addition to minimum side and rear yards specified in this chapter.
 - a) Residential uses shall be separated from non-residential uses as follows:
 - No less than three hundred (300) feet from any industrial use on the same site or from an industrial zoning district.
 - No less than eleven (11) feet from any commercial or civic use on the same site, except that a residential use may be located in the same or abutting structure containing a commercial and/or civic use.
 - b) Where residential and non-residential separation is required, landscape areas shall be provided in the separation area (including property lines setbacks) to prevent noise, lighting, and privacy intrusion. Pedestrian activity areas and circulation improvements are allowed; trash enclosures are prohibited.
 - c) Notwithstanding the minimum side and rear yard setbacks of this chapter, a fifty (50) foot setback and a fence or wall no less than six (6) feet high is required along a side or rear property line of an adjacent parcel within Agricultural Land, as defined by Section 10A.13.010 of the Mendocino County Code, or a parcel developed with an Agricultural Use Type (Chapter 20.032) exceeding one (1) acre in size.
 - d) No portion of a wall or fence should be used for advertising or display. No barbed wire or concertina wire may be used as fencing material.
 - (3) Utilities:
 - a) All utilities including but not limited to electrical power, telecommunications, and cable television shall be placed underground to the extent practicable, taking into account economic and environmental factors.
 - b) If utilities, communications towers, and devices must be above ground they shall be designed and located to minimize visual impact and clutter, using techniques such as screening and shared use of facilities.
 - c) When available, connection to public water and sewer services is required for development.

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- (4) Land Use Limitations:
- a) All outdoor industrial use operations, excluding delivery docks, shall be enclosed within a building.
 - b) Commercial loading areas, trash enclosures, utility meters, and mechanical and electrical equipment shall be located as far as possible from residential uses and shall be screened from view from the residential portion of the project and any adjoining residential use.
 - c) Non-residential uses shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
 - d) All new uses shall comply with General Plan Noise Policy (Development Element, Chapter 3, DE-93 to DE-110).
- (B) Parking: Notwithstanding the applicable provisions of Chapter 20.180 Off-Street Parking, the following additional off-street parking and circulation requirements shall apply.
- (1) On-site circulation and parking shall be provided and continuously maintained according to an approved parking plan illustrating the location, number and configuration of parking spaces for vehicles and bicycles, vehicle and pedestrian circulation improvements, truck loading areas and travel path, and emergency vehicle access, public transit stops, and public areas.
 - (2) The number and configuration of parking and circulation shall be consistent with parking standards (Chapter 20.180 Off-Street Parking) except that a reduction in the number of off-street parking spaces, consistent with Section 20.180.010 ~~E and 20.180.101.F~~ of the County Code, may be granted when the project includes shared parking facilities, affordable housing, and transit improvements.
 - (3) Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit future negotiations of shared access agreements when adjoining parcels are developed. Where shared access is provided, a ten (10) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.
 - (4) Instead of locating a single parking lot on the street frontage, separate parking areas shall be established throughout the mixed use project, away from the street frontage and, to the extent possible, not located between building groups. When feasible, parking within or under buildings is encouraged.
 - (5) All new development shall be required to provide sidewalks along any street frontage and shall provide on-site pedestrian walkways that directly link all parking areas with building entrances, off-site transportation facilities, established sidewalks, and adjacent public rights-of-way. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete, pavers, or similar sidewalk material that is firm, stable, and slip-resistant walkways may be located within the landscaping/walkway corridors of the public rights-of-way. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.
- (C) Landscape: Utilizing climate adapted plants supported by low volume irrigation systems, landscape improvements shall be provided and continuously maintained throughout and along the perimeter of the mixed use development site, subject to State of California Water Conservation in Landscape Act of 1990 and the following standards.
- (1) No less than ten (10) percent of the gross parking and circulation area shall be dedicated to and continuously maintained as landscape areas.

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- (2) Parking lot shade trees, selected from the Mixed Use Design Guideline Master Tree List, shall be provided and continuously maintained at a minimum rate of one (1) tree per five (5) parking spaces.
 - (3) Drainage swales and similar stormwater retention features shall be integrated with the design and location of landscape improvements.
 - (4) Planting areas, no less than ten (10) feet wide, shall separate parking lots from property lines and buildings.
 - (5) A landscape improvement bond or another form of surety acceptable to the Planning Director shall be offered prior to the issuance of a building permit to commence construction of the project and will be released three (3) years after the completion of the landscape installation upon demonstrating the landscaping is established and maintained according to the approved landscape improvement plan.
- (D) Lighting: The location, intensity, and shielding of all exterior lighting for buildings, businesses, landscaping, streets and parking lots, and recreational and public areas shall be downward shielded and employ approved "Dark Sky Friendly Fixtures" (www.darksky.org) that are operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

20.085.060 Mixed Use Development Review.

The Mixed Use Development Review will implement the goals and policies of the Ukiah Valley Area Plan by providing site planning, architectural design guidance, and criteria for commercial uses in mixed use projects. The intent of this process is to develop aesthetically appealing urban form, which reflects the rural, small town character of the Ukiah Valley, protect and enhance the natural beauty and scenic view sheds, and reinforce the uniqueness of existing communities.

- (A) Development Review. All development within the MU-2 is subject to one (1) of the following review processes unless the development is: (1) A façade improvement, (2) A one (1) time addition/expansion of an existing structure(s) not to exceed five hundred (500) square feet per site, and (3) Minor amendments to previously approved plans, or a change in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.
- (1) Zoning Clearance. A mixed use project shall be eligible for zoning clearance through the building permit process when the project includes only permitted uses listed in Section 20.085.010, and is consistent with the Mixed Use Compatibility Standards contained in Section 20.085.055, and will develop a site not to exceed forty thousand (40,000) square feet.
 - (2) Administrative Permit. A mixed use project shall be subject to an administrative permit in accordance with Chapter 20.192 when the project only includes permitted uses listed in Section 20.085.010, is consistent with the Mixed Use Compatibility Standards contained in Section 20.085.055, and will develop a site exceeding forty thousand (40,000) square feet. In addition, a mixed use project shall be subject to an administrative permit when any of the following apply:
 - ~~(3) Minor Use Permit. A mixed use project shall be subject to a minor use permit under the original jurisdiction of the Zoning Administrator in accordance with Chapter 20.196 and is subject to CEQA review when any of the following apply:~~
 - a) A single use project other than those uses subject to a ~~major~~ use permit.
 - b) The project includes permitted uses listed in Section 20.085.010 Permitted Uses and will require an exception from the Mixed Use Compatibility Standards in Section 20.085.055.

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- c) The project includes uses listed in Section 20.085.015, Uses Subject to a ~~Minor Use~~ Administrative Permit.
 - (43) ~~Major~~-Use Permit. A mixed use shall be subject to a ~~major~~-use permit under the original jurisdiction of the Planning Commission, in accordance with Chapter 20.196, and is subject to CEQA review when the project includes any use listed in Section 20.085.020, Uses Subject to a ~~Major~~-Use Permit, including a project that requires an exception to the Mixed Use Compatibility Standards contained in Section 20.085.055.
- (B) Submittal Requirement. The following submittal requirements govern the submittal, review, and action on the Mixed Use Development Plan, when it is required.
- (1) General: A Mixed Use Development Plan shall be submitted for any mixed use project subject to an administrative permit, ~~minor use permit,~~ or a ~~major~~-use permit as specified by section 20.085.060-(A).
 - (2) Mixed Use Development Plan Requirement: In addition to the information and plans otherwise required for an administrative permit, ~~minor use permit,~~ or ~~major~~-use permit, a Mixed Use Development Plan is required and shall include, but is not limited to, the following information:
 - a) A detailed site plan at a scale that is sufficient to fully illustrate proposed uses and site improvements as well as a Preliminary Development Plan, as defined in this Chapter.
 - b) Building elevation drawings of all proposed structures showing exterior wall color and material, and exterior lighting of proposed and existing development on all sides of the structure. The Community Design Guidelines shall be applied to all mixed use projects subject to Mixed Use Development Review.
 - c) A building floor plan of the proposed structure delineating each building or portion thereof by use type.
 - d) A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project including pedestrian walkway improvements, location of existing and proposed vegetation, including removed vegetation and trees, public amenities, landscape lighting, fencing, and irrigation improvements. The landscape plan must include a planting and lighting schedule noting the size, number, and type of plant materials and light fixtures.
 - e) A parking and circulation plan showing the location of and access to parking spaces, loading zones, delivery docks, transit improvements, bicycle parking, parking lot landscape areas (detailed by the landscape plan), and lighting. The parking and circulation plan shall include a schedule showing the number and size of required off-street parking based the County's parking requirements.
- (C) Supplemental Findings. The Zoning Administrator and/or Planning Commission shall make the following supplemental findings when acting to approve any discretionary project (i.e., administrative permit, ~~minor use permit,~~ and or ~~major~~ use permit) within the Mixed Use zoning district. The findings shall not be vague and conclusory. The findings shall be sufficiently detailed to inform a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the Mixed Use Development Plan application.

The proposed mixed use project, including an exception from the Mixed Use Compatibility Standards, will substantially fulfill the intent and purpose of the Mixed Use General zoning district and Community Design Guidelines, by accomplishing the following.

1. Land Use: The project will —

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- a) Preserve the character of the neighborhood; will protect the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public
 - b) Include appropriate use of materials, textures, and colors, which will remain aesthetically appealing and appropriately maintained; and will locate and orient windows, doorways, and outdoor use areas to minimize the potential impacts from heat, glare, noise, or other disturbances caused by on-site or off-site sources.
 - c) Locate structure(s) on the parcel which are compatible with the location and orientation of other structures in the immediate neighborhood that conform to applicable setback requirements.
 - d) Be compatible with other uses on the property.
2. Parking: The project will —
- a) Provide adequate ingress, egress, parking for vehicles and bicycles, and internal circulation for vehicles, bicycles, pedestrians, and delivery vehicles designed to promote safety and convenience.
 - b) Not create potential hazards to vehicular, pedestrian, or bicycle traffic, or cause a distraction for motorists.
 - c) Provide shade for parking spaces to the extent practical.
3. Landscape: The project will —
- a) Include provisions to ensure maintenance of all approved landscaping.
 - b) Include landscaping as an integral part of the project design and enhance the appearance of the development.
 - c) Ensure protection of existing and desirable mature trees when feasible.
 - d) Utilize irrigation systems which provide for the efficient use of water.
4. Lighting: The project will —
- a) Provide adequate lighting to all pedestrian and building access areas to provide safety, security and enhance aesthetic quality.
 - b) Provide lighting that is appropriate in scale, intensity, and height
 - c) Provide lighting that is energy efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
- (D) Conditions of Approval. Conditions of project approval may be imposed on a Mixed Use Development Plan.
- (1) In approving a Mixed Use Development Plan, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.085.055, Mixed Use Compatibility Standards, and (2) the mitigation of any "significant adverse environmental impacts" of the development as may be required by the California Environment Quality Act. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
 - (2) The Zoning Administrator or Planning Commission may condition a Mixed Use Development Plan to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a Mixed Use Development Plan is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building

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permit is issued for a building or structure which is subject to a Mixed Use Development Plan so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

NEW! CHAPTER 20.086 MUNS MIXED USE NORTH STATE DISTRICT

20.086.005 Intent.

The intent of the Mixed-Use North State (MUNS) zoning district is intended to encourage mixed-use development with commercial uses encouraged at street level, retail and service businesses, residential uses, processing, manufacturing, and assembly. Mixed-use development shall combine two or more of the permitted uses listed in this Chapter along with some form of public open space. Single-use development is discouraged.

20.086.010 Permitted Uses.

The following use types are permitted uses provided the development of any permitted residential use occurs in conjunction with at least one (1) different permitted commercial or civic use type on the same property, as a live-work use, or is part of a mixed use project: Definitions for live-work use and mixed use are contained in Chapter 20.008 Definitions.

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;
Day Care Facility;
Employee Housing;
Family Residential — single-family;
Family Residential — two-family;
Family Residential—multifamily;
Low Barrier Navigation Center;
Supportive Housing;
Transitional Housing;

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;
Clinic services;
Cultural exhibits and library services;
Essential services;
Group care;
Lodge, fraternal and civic assembly;
Religious assembly;
Day Care Facilities/small schools.

(C) Commercial Use Types (See Chapter 20.024).

Administrative & Business Offices;

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Communication Services;
Eating and Drinking Establishments;
Food and Beverage Retail Sales;
Medical Services;
Personal Services;
Repair Services, Consumer;
Retail Sales, General.

(D) Industrial Use Types (See Chapter 20.028).

Custom Manufacturing

(E) Accessory uses as provided in Chapter 20.164.

20.086.015 Uses Subject to an Administrative Permit.

The following uses are permitted in a mixed use project upon issuance of an Administrative Permit:

(A) Agricultural Use Types (See Chapter 20.032).

Animal Raising — Personal.

(B) Civic Use Types (See Chapter 20.020).

Ambulance services;
Fire and police protection services;
Minor impact utilities;
Community Recreation.

(C) Commercial Use Types (See Chapter 20.024).

Laundry services;
Redemption Centers.

20.086.020 Uses Subject to a Use Permit.

The following use types are permitted in a mixed use project upon securing a Use Permit:

(A) Civic Use Types (See Chapter 20.020).

Educational facilities;
Major impact facilities;
Major impact services and utilities.

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20.086.025 Minimum Lot Area.

There is no minimum lot area.

20.086.030 Maximum Dwelling Density.

Single Family Residential: one (1) unit per seven thousand (7,000) square feet.

Multi-Family Residential: one (1) unit per one thousand five hundred (1,500) square feet.

20.086.035 Minimum Front and Rear Yard.

- (A) Residential Use: Twenty (20) feet.
- (B) Non-Residential Use: None, except that a twenty (20) foot rear yard is required adjoining any district other than MU-2, MUBST, commercial, or industrial.

20.086.040 Minimum Side Yard.

- (A) Residential Use: Six (6) feet.
- (B) Non-Residential Use: None, except that a five (5) foot side yard is required adjoining any district other than commercial or industrial.

20.086.045 Building Height Limit.

Fifty (50) feet.

20.086.050 Building Floor Area Ratio.

- (A) Residential Use: None
- (B) Non-Residential Use: Three-tenths (0.3) minimum; One (1.0) maximum.

20.086.055 Mixed Use Compatibility Standards.

All permitted mixed use projects shall be consistent with the Mixed Use Compatibility Standards stated in this section and are encouraged to incorporate design principles and examples contained in the Community Design Guidelines to the extent feasible. Any permitted mixed use project determined to be inconsistent with these standards shall be subject to a discretionary permit as described in Section 20.086.060, Mixed Use Development Review.

- (A) Land Use: Structures and site improvements associated with mixed use projects shall be developed and operated according to the following land use standards.
 - (1) Site Improvements: Building siting and orientation, and landscape improvements shall integrate pedestrian circulation. Site and landscape improvements shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, and landscaped berms) and other structures that create semi-protected outdoor spaces. Pedestrian use areas shall be visible from street corridors and pedestrian access routes.
 - (2) Separation: Separation between use types, whether the uses are located on the same parcel or not, shall be required as stated below, in addition to minimum side and rear yards specified in this chapter.
 - (a) Residential uses shall be separated from non-residential uses as follows:
 - No less than three hundred (300) feet from any industrial use on the same site or from an industrial zoning district.

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- No less than eleven (11) feet from any commercial or civic use on the same site, except that a residential use may be located in the same or abutting structure containing a commercial and/or civic use.
 - (b) Where residential and non-residential separation is required, landscape areas shall be provided in the separation area (including property lines setbacks) to prevent noise, lighting, and privacy intrusion. Pedestrian activity areas and circulation improvements are allowed in the separation area; trash enclosures are prohibited.
 - (c) Notwithstanding the minimum side and rear yard setbacks of this chapter, a fifty (50) foot setback and a fence or wall no less than six (6) feet high is required along a side or rear property line of an adjacent parcel within Agricultural Land, as defined by Section 10A.13.010 of the Mendocino County Code, or a parcel developed with an Agricultural Use Type (Chapter 20.032) exceeding one (1) acre in size.
 - (d) No portion of a wall or fence shall be used for advertising or display. No barbed wire or concertina wire may be used as fencing material.
- (3) Utilities:
- (a) All utilities including but not limited to electrical power, telecommunications, and cable television shall be placed underground to the extent practicable, taking into account economic and environmental factors.
 - (b) If utilities, communications towers, and devices must be above ground they shall be designed and located to minimize visual impact and clutter, using techniques such as screening and shared use of facilities.
 - (c) When available, connection to public water and sewer services is required for development.
- (4) Land Use Limitations:
- (a) All industrial use operations, excluding delivery docks, shall be enclosed within a building.
 - (b) Commercial and industrial loading areas, trash enclosures, utility meters, and mechanical and electrical equipment shall be located as far as possible from residential uses and shall be screened from view from the residential portion of the project and any adjoining residential use.
 - (c) Non-residential uses shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
 - (d) All new uses shall comply with the General Plan Noise Policies (Development Element, Chapter 3, DE-93 to DE-110).
- (B) Parking: Notwithstanding the applicable provisions of Chapter 20.180 Off-Street Parking, the following additional off-street parking and circulation requirements shall apply.
- (1) On-site circulation and parking shall be provided and continuously maintained according to an approved parking plan illustrating the location, number and configuration of parking spaces for vehicles and bicycles, vehicle and pedestrian circulation improvements, truck loading areas and travel path, and emergency vehicle access, public transit stops, and public areas.
 - (2) The number and configuration of parking and circulation shall be consistent with parking standards (Chapter 20.180 Off-Street Parking) except that a reduction in the number of off-street parking spaces, consistent with Section 20.180.010 of the County Code, may be granted when the project includes shared parking facilities, affordable housing, and transit improvements.
 - (3) Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit

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future negotiations of shared access agreements when adjoining parcels are developed. Where shared access is provided, a twenty-five (25) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.

- (4) Instead of locating a single parking lot on the street frontage, separate parking areas shall be established throughout the mixed use project, away from the street frontage and, to the extent possible, not located between building groups. When feasible, parking within or under buildings is encouraged.
 - (5) All new development shall be required to provide sidewalks along any street frontage and shall provide on-site pedestrian walkways that directly link all parking areas with building entrances, off-site transportation facilities, established sidewalks, and adjacent public rights-of-way. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete, pavers, or similar sidewalk material that is firm, stable, and slip-resistant. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.
- (C) Landscape: Utilizing climate adapted plants supported by low volume irrigation systems, landscape improvements shall be provided and continuously maintained throughout and along the perimeter of the mixed use development site, subject to State of California Water Conservation in Landscape Act of 1990 and the following standards.
- (1) No less than ten (10) percent of the gross parking and circulation area shall be dedicated to and continuously maintained as landscape areas.
 - (2) Parking lot shade trees, selected from the Mixed Use Design Guideline Master Tree List, shall be provided and continuously maintained at a minimum rate of one (1) tree per five (5) parking spaces.
 - (3) Drainage swales and similar stormwater retention features shall be integrated with the design and location of landscape improvements.
 - (4) Planting areas, no less than ten (10) feet wide, shall separate parking lots from property lines and buildings.
 - (5) A landscape improvement bond or another form of surety acceptable to the Planning Director shall be offered prior to the issuance of a building permit to commence construction of the project and will be released three (3) years after the completion of the landscape installation upon demonstrating the landscaping is established and maintained according to the approved landscape improvement plan.
- (D) Lighting: The location, intensity, and shielding of all exterior lighting for buildings, businesses, landscaping, streets and parking lots, and recreational and public areas shall be downward shielded and that are operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

20.086.060 Mixed Use Development Review.

This section will implement the goals and policies of the Ukiah Valley Area Plan by providing site planning, architectural design guidance, and criteria for commercial uses in mixed use projects. The intent of this process is to develop aesthetically appealing urban form, which reflects the rural, small town character of the Ukiah Valley, protect and enhance the natural beauty and scenic view sheds, and reinforce the uniqueness of existing communities.

- (A) Development Review. All development within the MUNS is subject to one (1) of the following review processes unless the development is: (1) a façade improvement, (2) A one (1) time

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addition/expansion of an existing structure(s) not to exceed five hundred (500) square feet per site, and (3) minor amendments to previously approved plans, or a change in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.

- (1) Zoning Clearance. A project shall be eligible for zoning clearance through the building permit process when it is a mixed use project, includes only permitted uses listed in Section 20.086.010, and is consistent with the Mixed Use Compatibility Standards contained in Section 20.086.055, and will develop a site not to exceed forty thousand (40,000) square feet.
 - (2) Administrative Permit. A project shall be subject to an administrative permit in accordance with Chapter 20.192 when the project only includes permitted uses listed in Section 20.086.010, is consistent with the Mixed Use Compatibility Standards contained in Section 20.086.055, and will develop a site exceeding forty thousand (40,000) square feet. In addition, a project shall be subject to an administrative permit when any of the following apply:
 - (a) The project contains only a single permitted use.
 - (b) The project includes permitted uses listed in Section 20.086.010 Permitted Uses and will require an exception from the Mixed Use Compatibility Standards in Section 20.086.055.
 - (c) The project includes uses listed in Section 20.086.015, Uses Subject to an Administrative Permit.
 - (3) Use Permit. A project shall be subject to a use permit under the original jurisdiction of the Planning Commission, in accordance with Chapter 20.196, and is subject to CEQA review when the project includes any use listed in Section 20.086.020, Uses Subject to a Use Permit, including a project that requires an exception to the Mixed Use Compatibility Standards contained in Section 20.086.055.
- (B) Submittal Requirement. The following submittal requirements govern the submittal, review, and action on the Mixed Use Development Plan, when it is required.
- (1) General: A Mixed Use Development Plan shall be submitted for any mixed use project subject to an administrative permit or use permit as specified by section 20.086.060(A).
 - (2) Mixed Use Development Plan Required Elements: In addition to the information and plans otherwise required for an administrative permit or use permit, a Mixed Use Development Plan is required and shall include, but is not limited to, the following information:
 - (a) A detailed site plan at a scale that is sufficient to fully illustrate proposed uses and site improvements as well as a Preliminary Development Plan, as defined in Chapter 20.008.
 - (b) Building elevation drawings of all proposed structures showing exterior wall color and material, and exterior lighting of proposed and existing development on all sides of the structure. The Community Design Guidelines shall be applied to all mixed use projects subject to Mixed Use Development Review.
 - (c) A building floor plan of the proposed structure delineating each building or portion thereof by use type.
 - (d) A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project including pedestrian walkway improvements, location of existing and proposed vegetation, including removed vegetation and trees, public amenities, landscape lighting, fencing, and irrigation improvements. The landscape plan must include a planting and lighting schedule noting the size, number, and type of plant materials and light fixtures.

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- e) A parking and circulation plan showing the location of and access to parking spaces, loading zones, delivery docks, transit improvements, bicycle parking, parking lot landscape areas (detailed by the landscape plan), and lighting. The parking and circulation plan shall include a schedule showing the number and size of required off-street parking based the County's parking requirements.
- (C) Supplemental Findings. The Zoning Administrator and/or Planning Commission shall make the following supplemental findings when acting to approve any discretionary project (i.e., administrative permit or use permit) within the MUNS zoning district. The findings shall not be vague and conclusory. The findings shall be sufficiently detailed to inform a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the Mixed Use Development Plan application.

The proposed mixed use project, including one needing an exception from the Mixed Use Compatibility Standards, will substantially fulfill the intent and purpose of the MUNS zoning district and Community Design Guidelines, by accomplishing the following.

- (1) Land Use: The project will —
 - (a) Preserve the character of the neighborhood; will protect the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public
 - (b) Include appropriate use of materials, textures, and colors, which will remain aesthetically appealing and appropriately maintained; and will locate and orient windows, doorways, and outdoor use areas to minimize the potential impacts from heat, glare, noise, or other disturbances caused by on-site or off-site sources.
 - (c) Locate structure(s) on the parcel which are compatible with the location and orientation of other structures in the immediate neighborhood that conform to applicable setback requirements.
 - (d) Be compatible with other uses on the property.
- (2) Parking: The project will —
 - (a) Provide adequate ingress, egress, parking for vehicles and bicycles, and internal circulation for vehicles, bicycles, pedestrians, and delivery vehicles designed to promote safety and convenience.
 - (b) Not create potential hazards to vehicular, pedestrian, or bicycle traffic, or cause a distraction for motorists.
 - (c) Provide shade for parking spaces to the extent practical.
- (3) Landscape: The project will —
 - (a) Include provisions to ensure maintenance of all approved landscaping.
 - (b) Include landscaping as an integral part of the project design and enhance the appearance of the development.
 - (c) Ensure protection of existing and desirable mature trees when feasible.
 - (d) Utilize irrigation systems which provide for the efficient use of water.
- (4) Lighting: The project will —
 - (a) Provide adequate lighting to all pedestrian and building access areas to provide safety, security and enhance aesthetic quality.
 - (b) Provide lighting that is appropriate in scale, intensity, and height

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- (c) Provide lighting that is energy efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
- (D) Conditions of Approval. Conditions of project approval may be imposed on a Mixed Use Development Plan.
 - (1) In approving a Mixed Use Development Plan, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.086.055, Mixed Use Compatibility Standards, and (2) the mitigation of any "significant adverse environmental impacts" of the development as may be required by the California Environment Quality Act. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
 - (2) The Zoning Administrator or Planning Commission may condition a Mixed Use Development Plan to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a Mixed Use Development Plan is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a Mixed Use Development Plan so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

NEW! CHAPTER 20.087 MUBST MIXED USE BRUSH STREET
TRIANGLE DISTRICT

20.087.005 Intent.

The intent of the Mixed-Use Brush Street Triangle (MUBST) zoning district is to promote greater efficiency by encouraging mixed-use development that preserves and expands options for housing and provides for live-work opportunities. It also aims to enhance community health by promoting active transportation and to support local businesses by providing a variety of commercial and residential uses in a compact and accessible area within the Mixed-Use Brush Street Triangle (MUBST) area as defined in the Ukiah Valley Area Plan.

20.087.010 Permitted Uses.

The following use types are permitted uses provided the development of any permitted residential use occurs in conjunction with at least one (1) different permitted commercial or civic use type on the same property, as a live-work use, or is part of a mixed use project: Definitions for live-work use and mixed use are contained in Chapter 20.008 Definitions.

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;
Day Care Facility;
Employee Housing;
Family Residential — single-family;
Family Residential — two-family;
Family Residential—multifamily;
Low Barrier Navigation Center;
Supportive Housing;
Transitional Housing;

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;
Clinic services;
Community Recreation;
Cultural exhibits and library services;
Education facilities;
Essential services;
Group care;
Lodge, fraternal and civic assembly;

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Religious assembly;
Day Care Facilities/small schools.

(C) Commercial Use Types (See Chapter 20.024).

Administrative & Business Offices;
Communication Services;
Eating and Drinking Establishments;
Food and Beverage Retail Sales;
Medical Services;
Personal Services;
Repair Services, Consumer;
Retail Sales, General.

(D) Industrial Use Types (See Chapter 20.028).

Custom Manufacturing

(E) Accessory uses as provided in Chapter 20.164.

20.087.015 Uses Subject to an Administrative Permit.

The following uses are permitted in a mixed use project upon issuance of an Administrative Permit:

(A) Agricultural Use Types (See Chapter 20.032).

Animal Raising — Personal.

(B) Civic Use Types (See Chapter 20.020).

Ambulance services;
Fire and police protection services;
Minor impact utilities;

(C) Commercial Use Types (See Chapter 20.024).

Laundry services;
Redemption Centers.

20.087.020 Uses Subject to a Use Permit.

The following use types are permitted in a mixed use project upon securing a Use Permit:

(A) Civic Use Types (See Chapter 20.020).

Educational facilities;

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Major impact facilities;

Major impact services and utilities.

20.087.025 Minimum Lot Area.

No Minimum.

20.087.030 Maximum Dwelling Density.

Single Family Residential: one (1) unit per four thousand five hundred (4,500) square feet.

Multi-Family Residential and Mixed Use: one (1) unit per two thousand one hundred (2,100) square feet.

20.087.035 Minimum Front and Rear Yard.

- (A) Residential Use: Twenty (20) feet.
- (B) Non-Residential Use: None, except that a twenty (20) foot rear yard is required adjoining any district other than MU-2, MUNS, commercial, or industrial

20.087.040 Minimum Side Yard.

- (A) Residential Use: Six (6) feet.
- (B) Non-Residential Use: None, except that a five (5) foot side yard is required adjoining any district other than commercial or industrial.

20.087.045 Building Height Limit.

Fifty (50) feet.

20.087.050 Building Floor Area Ratio.

- (A) Residential Use: None
- (B) Non-Residential Use: Three-tenths (0.3) minimum; One (1.0) maximum.

20.087.055 Mixed Use Compatibility Standards.

All permitted mixed use projects shall be consistent with the Mixed Use Compatibility Standards and are encouraged to incorporate design principles and examples contained in the Community Design Guidelines to the extent feasible. Any permitted mixed use project determined to be inconsistent with these standards shall be subject to a discretionary permit as described in Section 20.087.060, Mixed Use Development Review.

- (1) Site Improvements: Building siting and orientation, and landscape improvements shall integrate pedestrian circulation. Site and landscape improvements shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, and landscaped berms) and other structures that create semi-protected outdoor spaces. Pedestrian use areas shall be visible from street corridors and pedestrian access routes.
- (2) Separation: Separation between use types, whether the uses are located on the same parcel or not, shall be required as stated below, in addition to minimum side and rear yards specified in this chapter.
 - (a) Residential uses shall be separated from non-residential uses as follows:
 - No less than three hundred (300) feet from any industrial use on the same site or from an industrial zoning district.

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- No less than eleven (11) feet from any commercial or civic use on the same site, except that a residential use may be located in the same or abutting structure containing a commercial and/or civic use.
 - (b) Where residential and non-residential separation is required, landscape areas shall be provided in the separation area (including property lines setbacks) to prevent noise, lighting, and privacy intrusion. Pedestrian activity areas and circulation improvements are allowed in the separation area; trash enclosures are prohibited.
 - (c) Notwithstanding the minimum side and rear yard setbacks of this chapter, a fifty (50) foot setback and a fence or wall no less than six (6) feet high is required along a side or rear property line of an adjacent parcel within Agricultural Land, as defined by Section 10A.13.010 of the Mendocino County Code, or a parcel developed with an Agricultural Use Type (Chapter 20.032) exceeding one (1) acre in size.
 - (d) No portion of a wall or fence shall be used for advertising or display. No barbed wire or concertina wire may be used as fencing material.
- (3) Utilities:
- (a) All utilities including but not limited to electrical power, telecommunications, and cable television shall be placed underground to the extent practicable, taking into account economic and environmental factors.
 - (b) If utilities, communications towers, and devices must be above ground they shall be designed and located to minimize visual impact and clutter, using techniques such as screening and shared use of facilities.
 - (c) When available, connection to public water and sewer services is required for development.
- (4) Land Use Limitations:
- (a) All industrial use operations, excluding delivery docks, shall be enclosed within a building.
 - (b) Commercial and industrial loading areas, trash enclosures, utility meters, and mechanical and electrical equipment shall be located as far as possible from residential uses and shall be screened from view from the residential portion of the project and any adjoining residential use.
 - (c) Non-residential uses shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
 - (d) All new uses shall comply with the General Plan Noise Policies (Development Element, Chapter 3, DE-93 to DE-110).
- (B) Parking: Notwithstanding the applicable provisions of Chapter 20.180 Off-Street Parking, the following additional off-street parking and circulation requirements shall apply.
- (1) On-site circulation and parking shall be provided and continuously maintained according to an approved parking plan illustrating the location, number and configuration of parking spaces for vehicles and bicycles, vehicle and pedestrian circulation improvements, truck loading areas and travel path, and emergency vehicle access, public transit stops, and public areas.
 - (2) The number and configuration of parking and circulation shall be consistent with parking standards (Chapter 20.180 Off-Street Parking) except that a reduction in the number of off-street parking spaces, consistent with Section 20.180.010 of the County Code, may be granted when the project includes shared parking facilities, affordable housing, and transit improvements.
 - (3) Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit

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future negotiations of shared access agreements when adjoining parcels are developed. Where shared access is provided, a twenty-five (25) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.

- (4) Instead of locating a single parking lot on the street frontage, separate parking areas shall be established throughout the mixed use project, away from the street frontage and, to the extent possible, not located between building groups. When feasible, parking within or under buildings is encouraged.
 - (5) All new development shall be required to provide sidewalks along any street frontage and shall provide on-site pedestrian walkways that directly link all parking areas with building entrances, off-site transportation facilities, established sidewalks, and adjacent public rights-of-way. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete, pavers, or similar sidewalk material that is firm, stable, and slip-resistant. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.
- (C) Landscape: Utilizing climate adapted plants supported by low volume irrigation systems, landscape improvements shall be provided and continuously maintained throughout and along the perimeter of the mixed use development site, subject to State of California Water Conservation in Landscape Act of 1990 and the following standards.
- (1) No less than ten (10) percent of the gross parking and circulation area shall be dedicated to and continuously maintained as landscape areas.
 - (2) Parking lot shade trees, selected from the Mixed Use Design Guideline Master Tree List, shall be provided and continuously maintained at a minimum rate of one (1) tree per five (5) parking spaces.
 - (3) Drainage swales and similar stormwater retention features shall be integrated with the design and location of landscape improvements.
 - (4) Planting areas, no less than ten (10) feet wide, shall separate parking lots from property lines and buildings.
 - (5) A landscape improvement bond or another form of surety acceptable to the Planning Director shall be offered prior to the issuance of a building permit to commence construction of the project and will be released three (3) years after the completion of the landscape installation upon demonstrating the landscaping is established and maintained according to the approved landscape improvement plan.
- (D) Lighting: The location, intensity, and shielding of all exterior lighting for buildings, businesses, landscaping, streets and parking lots, and recreational and public areas shall be downward shielded and that are operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

20.087.060 Mixed Use Development Review.

The Mixed Use Development Review will implement the goals and policies of the Ukiah Valley Area Plan by providing site planning, architectural design guidance, and criteria for commercial uses in mixed use projects. The intent of this process is to develop aesthetically appealing urban form, which reflects the rural, small town character of the Ukiah Valley, protect and enhance the natural beauty and scenic view sheds, and reinforce the uniqueness of existing communities.

- (A) Development Review. All development within the MUBST is subject to one (1) of the following review processes unless the development is: (1) a façade improvement, (2) a one (1) time

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addition/expansion of an existing structure(s) not to exceed five hundred (500) square feet per site, and (3) minor amendments to previously approved plans, or a change in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.

- (1) Zoning Clearance A project shall be eligible for zoning clearance through the building permit process when it is a mixed use project, includes only permitted uses listed in Section 20.087.010, and is consistent with the Mixed Use Compatibility Standards contained in Section 20.087.055, and will develop a site not to exceed forty thousand (40,000) square feet.
 - (2) Administrative Permit. A project shall be subject to an administrative permit in accordance with Chapter 20.192 when the project only includes permitted uses listed in Section 20.087.010, is consistent with the Mixed Use Compatibility Standards contained in Section 20.087.055, and will develop a site exceeding forty thousand (40,000) square feet. In addition, a project shall be subject to an administrative permit when any of the following apply:
 - (a) The project contains only a single permitted use.
 - (b) The project includes permitted uses listed in Section 20.087.010 Permitted Uses and will require an exception from the Mixed Use Compatibility Standards in Section 20.087.055.
 - (c) The project includes uses listed in Section 20.087.015, Uses Subject to an Administrative Permit.
 - (3) Use Permit. A project shall be subject to a use permit under the original jurisdiction of the Planning Commission, in accordance with Chapter 20.196, and is subject to CEQA review when the project includes any use listed in Section 20.087.020, Uses Subject to a Use Permit, including a project that requires an exception to the Mixed Use Compatibility Standards contained in Section 20.087.055.
- (B) Submittal Requirement. The following submittal requirements govern the submittal, review, and action on the Mixed Use Development Plan, when it is required.
- (1) General: A Mixed Use Development Plan shall be submitted for any mixed use project subject to an administrative permit or use permit as specified by section 20.087.060(A).
 - (2) Mixed Use Development Plan Requirement: In addition to the information and plans otherwise required for an administrative permit or use permit, a Mixed Use Development Plan is required and shall include, but is not limited to, the following information:
 - a) A detailed site plan at a scale that is sufficient to fully illustrate proposed uses and site improvements as well as a Preliminary Development Plan, as defined in this Chapter.
 - b) Building elevation drawings of all proposed structures showing exterior wall color and material, and exterior lighting of proposed and existing development on all sides of the structure. The Community Design Guidelines shall be applied to all mixed use projects subject to Mixed Use Development Review.
 - c) A building floor plan of the proposed structure delineating each building or portion thereof by use type.
 - d) A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project including pedestrian walkway improvements, location of existing and proposed vegetation, including removed vegetation and trees, public amenities, landscape lighting, fencing, and irrigation improvements. The landscape plan must include a planting and lighting schedule noting the size, number, and type of plant materials and light fixtures.

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- e) A parking and circulation plan showing the location of and access to parking spaces, loading zones, delivery docks, transit improvements, bicycle parking, parking lot landscape areas (detailed by the landscape plan), and lighting. The parking and circulation plan shall include a schedule showing the number and size of required off-street parking based the County's parking requirements.
- (C) Supplemental Findings. The Zoning Administrator and/or Planning Commission shall make the following supplemental findings when acting to approve any discretionary project (i.e., administrative permit or use permit) within the MUBST zoning district. The findings shall not be vague and conclusory. The findings shall be sufficiently detailed to inform a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the Mixed Use Development Plan application.

The proposed mixed use project, including an exception from the Mixed Use Compatibility Standards, will substantially fulfill the intent and purpose of the Mixed Use General zoning district and Community Design Guidelines, by accomplishing the following.

- (1) Land Use: The project will —
 - (a) Preserve the character of the neighborhood; will protect the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public
 - (b) Include appropriate use of materials, textures, and colors, which will remain aesthetically appealing and appropriately maintained; and will locate and orient windows, doorways, and outdoor use areas to minimize the potential impacts from heat, glare, noise, or other disturbances caused by on-site or off-site sources.
 - (c) Locate structure(s) on the parcel which are compatible with the location and orientation of other structures in the immediate neighborhood that conform to applicable setback requirements.
 - (d) Be compatible with other uses on the property.
- (2) Parking: The project will —
 - (a) Provide adequate ingress, egress, parking for vehicles and bicycles, and internal circulation for vehicles, bicycles, pedestrians, and delivery vehicles designed to promote safety and convenience.
 - (b) Not create potential hazards to vehicular, pedestrian, or bicycle traffic, or cause a distraction for motorists.
 - (c) Provide shade for parking spaces to the extent practical.
- (3) Landscape: The project will —
 - (a) Include provisions to ensure maintenance of all approved landscaping.
 - (b) Include landscaping as an integral part of the project design and enhance the appearance of the development.
 - (c) Ensure protection of existing and desirable mature trees when feasible.
 - (d) Utilize irrigation systems which provide for the efficient use of water.
- (4) Lighting: The project will —
 - (a) Provide adequate lighting to all pedestrian and building access areas to provide safety, security and enhance aesthetic quality.
 - (b) Provide lighting that is appropriate in scale, intensity, and height

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- (c) Provide lighting that is energy efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
- (D) Conditions of Approval. Conditions of project approval may be imposed on a Mixed Use Development Plan.
 - (1) In approving a Mixed Use Development Plan, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.087.055, Mixed Use Compatibility Standards, and (2) the mitigation of any "significant adverse environmental impacts" of the development as may be required by the California Environment Quality Act. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
 - (2) The Zoning Administrator or Planning Commission may condition a Mixed Use Development Plan to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a Mixed Use Development Plan is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a Mixed Use Development Plan so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

CHAPTER 20.088 C-1 LIMITED COMMERCIAL DISTRICT

Sec. 20.088.005 Intent.

This district is intended to create and enhance areas where public facilities and services are available. It is also intended to facilitate a balance between jobs and housing, provide for the possibility of live/work spaces, and provide additional opportunities for affordable housing. A limited number of retail commercial goods and services are desired primarily to meet day to day needs of local residents and to facilitate livable/walkable communities and live/work opportunities. Typically this district would be applied in conjunction with residential uses and would permit only those uses which do not significantly increase traffic, noise or other impacts

Sec. 20.088.010 Permitted Uses.

The following use types are permitted in the C-1 District:

(A) Residential Use Types (see Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential — single-family;

Family residential — two family;

Family residential — multi-family;

~~Two family and Multi-family residential uses are permitted by right in the C-1 District subject to the following conditions:~~

~~Must contain four (4) units or less and fulfills the following criteria:~~

~~(1) — lies within a water and sewer district~~

~~(2) — located more than 300 feet away from an industrial zoned parcel~~

~~(3) — not located on the same property with or within 300 feet of a gas station, dry cleaners, hazardous substance recycling facility, or automotive repair facility~~

~~(4) — not located in the A or B1 airport zones~~

~~If the project does not meet the above conditions, a use permit shall be required.~~

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing.

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Clinic services;

Community recreation;

Cultural exhibits and library services;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

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Minor impact utilities;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;

Animal sales and services-household pets;

Animal sales and services-veterinary (small animals);

Automotive and equipment-parking;

Business equipment sales;

Communication services;

Eating and drinking establishments;

Food and beverage preparation-without consumption;

Food and beverage retail sales;

Medical services;

Personal services;

Repair services, consumer;

Retail sales-general;

(D) Agricultural Use Types (See Chapter 20.032).

~~Animal Raising – personal~~

Forest production and processing-limited;

Horticulture;

Packing and processing-limited;

Row and field crops;

Tree crops.

(E) Accessory uses as provided in Chapter 20.164.

Sec. 20.088.015 Uses Subject to an Administrative Minor Use Permit.

The following use types are permitted in the C-1 District upon issuance of a ~~Minor Use~~ Administrative Permit:

(A) Residential Use Types (See Chapter 20.016).

~~Family residential – two family – projects that do not meet the criteria of section 20.088.010~~

~~Family residential – multifamily – projects that do not meet the criteria of section 20.088.010~~

Family residential - dwelling groups

(B) Civic Use Types (See Chapter 20.024020).

~~Group care;~~

Day care facilities/small schools;

(C) Commercial Use Types (See Chapter 20.024)

Automotive and equipment — gasoline sales;

Cottage industries — limited;

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Recycling centers;
Redemption centers.

Sec. 20.088.020 Uses Subject to a ~~Major~~ Use Permit.

The following use types are permitted in the C-1 District upon issuance of a ~~Major~~ Use Permit:

(A) Residential Use Types (See Chapter 20.016).

Mobile home ~~park~~residential.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;
Major impact facilities;
Major impact services and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Transient habitation—campground;
Transient habitation—lodging (limited).

(D) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.088.025 Minimum Lot Area.

~~(A) For parcels within water and sewer districts:~~

~~Commercial Use: None~~

~~Mobile Home Parks: four thousand (4,000) square feet~~

~~Residential: six thousand (6,000) square feet.~~

~~(B) For parcels within water or sewer districts: twelve thousand (12,000) square feet~~

~~(C) For parcels not in a water or sewer district: forty thousand (40,000) square feet.~~

~~(A) Commercial: none.~~

~~(B) Residential: six thousand (6,000) square feet. Four thousand (4,000) square feet for mobile home subdivisions and manufactured home subdivisions.~~

Sec. 20.088.030 Maximum Dwelling Density.

~~One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential— Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:~~

~~(A) For parcels within water and sewer districts:~~

~~Single-family: one (1) unit per six thousand (6,000) square feet.~~

~~Two-family; Mobile Home Park: one (1) unit per four thousand (4,000) square feet.~~

~~Multi-family: one (1) unit per one thousand five hundred (1,500) square feet.~~

~~(B) For parcels within water or sewer district:~~

~~Single-family; Two-family; Multi-family: one (1) unit per twelve thousand (12,000) square feet.~~

~~(C) For parcels not in a water or sewer district:~~

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Single-family: one (1) unit per forty thousand (40,000) square feet.

Two-family; Multi-family: not permitted.

~~(A) Single-family: one (1) unit per six thousand (6,000) square feet.~~

~~(B) Two (2) family; Mobile Home Residential: one (1) unit per four thousand (4,000) square feet.~~

~~(C) Multifamily: one (1) unit per one thousand five hundred (1,500) square feet.~~

Sec. 20.088.035 Minimum Front Yard.

Twenty (20) feet. See setback exceptions in section 20.152.015.

Sec. 20.088.040 Minimum Side and Rear Yards.

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

Sec. 20.088.045 Building Height Limit.

Thirty-five (35) feet. See height exceptions in section 20.152.025.

CHAPTER 20.092 C-2 GENERAL COMMERCIAL DISTRICT

Sec. 20.092.005 Intent.

This district is intended to create and enhance commercial areas where complete retail sales and services are available and desirable for public service are available and desirable for public and convenience. Typically this district would be applied in the central core of community areas where central area commercial facilities were desired, or at major roadway intersections. Uses in this district are also intended to facilitate live/work convenience through multiple story construction and shared parking arrangements for a range of residential and commercial uses.

Sec. 20.092.010 Permitted Uses.

The following use types are permitted in the C-2 District:

(A) Residential Use Types (see Chapter 20.016)

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential — single-family;

Family residential — two-family;

Family residential — multi-family;

~~Multifamily residential uses are allowable by right in the C-2 District subject to the following conditions:~~

~~The proposed project contains four (4) units or less and fulfills the following criteria:~~

~~(1) — lies within a water and sewer district~~

~~(2) — located more than 300 feet away from an industrial-zoned parcel~~

~~(3) — not located on the same property with or within 300 feet of a gas station, dry cleaners, hazardous substance recycling facility, or automotive repair facility~~

~~(4) — not located in the A or B1 airport zones~~

~~If the project does not meet the above conditions, a use permit shall be required.~~

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing;

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Ambulance services;

Clinic services;

Community recreation;

Cultural exhibits and library services;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;

Animal sales and services-household pets;

Animal sales and services-veterinary (small animals);

Automotive and equipment-cleaning;

Automotive and equipment-fleet storage;

Automotive and equipment-parking;

Automotive and equipment-repairs, light;

Automotive and equipment-sales/rentals;

Business equipment sales;

Commercial recreation-all types;

Communication services;

Eating and drinking establishments;

Financial services;

Food and beverage preparation-without consumption;

Food and beverage retail sales;

Funeral and interment services;

Laundry services;

Mail order businesses;

Medical services;

Personal services;

Repair services, consumer;

Research services;

Retail sales-general;

Transient habitation-lodging;

Transient habitation-resort and recreational facilities;

Wholesaling, storage and distribution-mini-warehouse.

(D) Agricultural Use Types (See Chapter 20.032).

Animal Raising – personal

Forest production and processing-limited;

Horticulture;

Packing and processing-limited;

Row and field crops;

Tree crops.

(E) Accessory uses as provided in Chapter 20.164.

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Sec. 20.092.015 Uses Subject to a ~~Minor Use~~ Administrative Permit.

The following use types are permitted in the C-2 District upon issuance of a ~~Minor Use~~ Administrative Permit:

(A) Residential Use Types (See Chapter 20.016).

~~Family residential-two family;—projects that do not meet the criteria of Sec. 20.088.010~~

~~Family residential-multifamily;—projects that do not meet the criteria of Sec. 20.088.010~~

Family residential-dwelling groups.

(B) Civic Use Types (See Chapter 20.020).

Day care facilities/small schools;

Group care;

(C) Commercial Use Types (See Chapter 20.024).

Animal sales and services-kennels;

Agricultural sales and services;

Automotive and equipment-gasoline sales;

Automotive and equipment-repairs, heavy;

Automotive and equipment-storage, recreational vehicles and boats;

Construction sales and services;

Recycling centers;

Redemption centers;

Swap meet.

(D) Industrial Use Types (See Chapter 20.028).

Custom manufacturing.

Sec. 20.092.020 Uses Subject to a ~~Major Use~~ Permit.

The following use types are permitted in the C-2 District upon issuance of a ~~Major Use~~ Permit:

(A) Residential Use Types (See Chapter 20.016).

Mobile home residential.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;

Major impact facilities;

Major impact services and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Animal sales and services—veterinary (large animals);

Automotive and equipment—storage, nonoperating vehicles;

Transient habitation—campground;

Wholesaling, storage and distribution—light.

(D) Extractive Use Type (See Chapter 20.036).

Mining and processing.

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Sec. 20.092.025 Minimum Lot Area.

(A) For parcels within water and sewer districts:

Commercial Use: None

Mobile Home Park: four thousand (4,000) square feet

Residential: six thousand (6,000) square feet.

(B) For parcels within water or sewer districts: twelve thousand (12,000) square feet

(C) For parcels not in a water or sewer district: forty thousand (40,000) square feet.

~~(A) Commercial: none.~~

~~(B) Residential: six thousand (6,000) square feet. Four thousand (4,000) square feet for mobile home subdivisions and manufactured home subdivisions.~~

Sec. 20.092.030 Maximum Dwelling Density.

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential— Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

(A) For parcels within water and sewer districts:

Single-family: one (1) unit per six thousand (6,000) square feet.

Two-family; Mobile Home Park: one (1) unit per four thousand (4,000) square feet.

Multi-family: one (1) unit per one thousand five hundred (1,500) square feet.

(B) For parcels within water or sewer district:

Single-family; Two-family; Multi-family: one (1) unit per twelve thousand (12,000) square feet.

(C) For parcels not in a water or sewer district:

Single-family: one (1) unit per forty thousand (40,000) square feet.

Two-family; Multi-family: not permitted.

~~(A) Single-family: one (1) unit per six thousand (6,000) square feet.~~

~~(B) Two (2) family; Mobile Home Residential: one (1) unit per four thousand (4,000) square feet.~~

~~(C) Multifamily: one (1) unit per one thousand five hundred (1,500) square feet.~~

Sec. 20.092.035 Minimum Front Yard.

Ten (10) feet. See setback exceptions in section 20.152.015.

Sec. 20.092.040 Minimum Side and Rear Yard.

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

Sec. 20.092.045 Building Height Limit.

Fifty (50) feet. See height exceptions in section 20.152.025.

CHAPTER 20.096 I-1 LIMITED INDUSTRIAL DISTRICT

Sec. 20.096.005 Intent.

This district is intended to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Nonindustrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone particularly administrative, sales and service uses.

Sec. 20.096.010 Permitted Uses.

The following use types are permitted in the I-1 District:

(A) Residential Use Type (See Chapter 20.016).

Day Care Facility (only if associated with Employee Housing)

~~Industrial caretaker housing.~~ Employee Housing

(B) Civic Use Types (See Chapter 20.016020).

Ambulance services;

Cemetery;

~~Commercial recreation—indoor entertainment;~~

~~Commercial recreation—indoor sports and recreation;~~

Community recreation;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;

Agricultural sales and services;

Animal sales and services—auctioning;

Animal sales and services—household pets;

Animal sales and services—kennels;

Animal sales and services—veterinary (large animals);

Animal sales and services—veterinary (small animals);

Automotive and equipment—all types;

Building maintenance services;

Business equipment sales and services;

Commercial recreation—indoor entertainment;

Commercial recreation—indoor sports and recreation;

Communications services;

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Construction sales and services;
Laundry services;
Mail order businesses;
Recycling centers;
Redemption centers;
Research services;
Repair services, consumer;
Swap meets;
Wholesaling, storage and distribution—mini warehouses;
Wholesaling, storage and distribution—light.

(D) Industrial Use Types (See Chapter 20.028).

Custom manufacturing;
General industrial.

(E) Agricultural Use Types (See Chapter 20.032).

Animal raising—general agriculture;
Animal waste processing;
Horticulture;
Packing and processing—all types;
Forest production and processing—all types;
Row and field crops;
Tree crops.

(F) For further clarification, refer to Appendices A and B to this Division.

~~(F)~~**(G)** Accessory uses as provided in Chapter 20.164.

Sec. 20.096.015 Uses Subject to a ~~Minor Use~~ Administrative Permit.

The following use types are permitted in the I-1 District upon issuance of a ~~Minor Use~~ Administrative Permit:

(A) Residential Use Types (See Chapter 20.016).

~~Industrial employee housing, Low Barrier Navigation Center;~~
Supportive Housing;
Transitional Housing.

(B) Commercial Use Types (See Chapter 20.024).

Retail sales, general.

Sec. 20.096.020 Uses Subject to a ~~Major Use~~ Permit.

The following use types are permitted in the I-1 District upon issuance of a ~~Major Use~~ Permit:

(A) Civic Use Types (See Chapter 20.020).

Major impact facilities;

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Major impact services and utilities.

(B) Commercial Use Types (See Chapter 20.024).

Animal sales and services—stockyard;

Commercial recreation—outdoor entertainment;

Commercial recreation—outdoor sports and recreation;

Scrap operations;

Wholesaling, storage and distribution: heavy.

(C) Extractive Use Types (See Chapter 20.036).

Mining and processing.

Sec. 20.096.025 Minimum Lot Area.

(A) For parcels within water and sewer districts: None required.

(B) For parcels within water or sewer districts: 12,000 square feet.

(A)(C) For parcels not in a water or sewer district: 40,000 square feet.

Sec. 20.096.030 Minimum Front Yard.

Ten (10) feet. See setback exceptions in section 20.152.015.

Sec. 20.096.035 Minimum Side and Rear Yards.

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

Sec. 20.096.040 Building Height Limit.

Fifty (50) feet. See height exceptions in section 20.152.025.

CHAPTER 20.100 I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 20.100.005 Intent.

This district is intended to create and preserve areas where a full range of industrial uses with moderate to high nuisance characteristics may locate. Typically this district would be applied to locations where large land acreages were available and where the impacts associated with the unsightliness, noise, odor, and traffic, and the hazards associated with certain industrial uses, would not impact on residential and commercial areas.

Sec. 20.100.010 Permitted Uses.

The following use types are permitted in the I-2 District:

(A) Residential Use Type (See Chapter 20.016).

Day Care Facility (only if associated with Employee Housing);

~~Industrial caretaker housing—Employee Housing.~~

(B) Civic Use Types (See Chapter 20.020).

Ambulance services;

Cemetery;

~~Commercial recreation—indoor entertainment;~~

~~Commercial recreation—indoor sports and recreation;~~

Community recreation;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;

Agricultural sales and services;

Animal sales and services—auctioning;

Animal sales and services—household pets;

Animal sales and services—kennels;

Animal sales and services—veterinary (large animals);

Animal sales and services—veterinary (small animals);

Automotive and equipment—all types;

Building maintenance services;

Business equipment sales and services;

Communications services;

Commercial recreation—indoor entertainment;

Commercial recreation—indoor sports and recreation;

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- Construction sales and services;
- Laundry services;
- Mail order businesses;
- Recycling centers;
- Redemption centers;
- Research services;
- Repair services, consumer;
- Scrap operations;
- Swap meets;
- Wholesaling, storage and distribution heavy;
- Wholesaling, storage and distribution—mini warehouses;
- Wholesaling, storage and distribution—light.
- (D) Industrial Use Types (See Chapter 20.028).**
 - Custom manufacturing;
 - General industrial.
- (E) Agricultural Use Types (See Chapter 20.032).**
 - Animal raising—general agriculture;
 - Animal waste processing;
 - Forest production and processing—all types;
 - Horticulture;
 - Packing and processing—all types;
 - Row and field crops;
 - Tree crops.
- (F) For further clarification, refer to Appendices A and B.**
- (G) Accessory uses as provided in Chapter 20.164.**

Sec. 20.100.015 Uses Subject to a ~~Minor Use~~ Administrative Permit.

The following use types are permitted in the I-2 District upon issuance of a ~~Minor Use~~ Administrative Permit:

- (A) Residential Use Types (See Chapter 20.16).**
 - ~~Industrial employee housing~~ Low Barrier Navigation Center;
 - Supportive Housing;
 - Transitional Housing;
- (B) Commercial Use Types (See Chapter 20.024).**
 - Retail sales, general.

Sec. 20.100.020 Uses Subject to a ~~Major Use~~ Permit.

The following use types are permitted in the I-2 District upon issuance of a ~~Major Use~~ Permit:

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- (A) Civic Use Types (See Chapter 20.020).**
Major impact facilities;
Major impact services and utilities.
- (B) Commercial Use Types (See Chapter 20.024).**
Animal sales and services—stockyard;
Commercial recreation—outdoor entertainment;
Commercial recreation—outdoor sports and recreation.
- (C) Industrial Use Types (See Chapter 20.028).**
Heavy industrial;
Explosives storage.
- (D) Extractive Use Type (See Chapter 20.036).**
Mining and processing.
- (E) All other uses which do not appropriately fall into any of the use types described in Section 20.016.005 to Section 20.036.010.**

Sec. 20.100.025 Minimum Lot Area.

- (A) For parcels within water and sewer districts: None required.
 - (B) For parcels within water or sewer districts: 12,000 square feet.
 - (C) For parcels not in a water or sewer district: 40,000 square feet.
- ~~None required.~~

Sec. 20.100.030 Minimum Front Yard.

Ten (10) feet. See setback exceptions in section 20.152.015.

Sec. 20.100.035 Minimum Side and Rear Yards.

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

Sec. 20.100.040 Building Height Limit.

Sixty-five (65) feet. See height exceptions in section 20.152.025.

CHAPTER 20.102 P-I PINOLEVILLE INDUSTRIAL DISTRICT

Sec. 20.102.005 Intent.

The Pinoleville Industrial (P-I) Zoning District is intended to be applied to all lands zoned Limited Industrial (I-1) within the Pinoleville Rancheria. The objective of the P-I District is to provide for industrial uses and at the same time to protect the health, safety and general welfare of the residents living within the Rancheria. Creation of a new zoning district was determined to be preferable to rezoning lands within the Rancheria from I-1 to a commercial or residential zone because the new zoning district avoided making existing industrial uses nonconforming. But because some industrial uses may be incompatible with existing or future residential use of the Rancheria, it is the intent of the P-I District to require ~~use~~ discretionary permit approval for such uses, and further, that approval of ~~Minor or Major Administrative Permits or~~ Use Permits within the P-I District shall be granted only if the proposed use is compatible with residential use of the Rancheria and will not cause any significant nuisance or hardship to Rancheria residents. Within the P-I District the allowable uses shall be as specified in Sections 20.102.010 through 20.102.050.

Sec. 20.102.010 Permitted Uses.

The following use types are permitted within the P-I District:

(A) **Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility

Day Care Facility

Employee Housing

Family residential-single family;

~~Industrial caretaker housing.~~

(B) **Civic Use Types (See Chapter 20.020).**

Ambulance services;

Cemetery;

Community recreation;

Essential services;

Fire and police services;

Group care;

Minor impact utilities.

(C) **Commercial Use Types (See Chapter 20.024).**

Administrative and business offices;

Agricultural sales and service;

Animal sales and services—household pets;

Automotive and equipment—all types;

Building maintenance service;

Business equipment sales and service;

Commercial recreation—all types;

Communications services;

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Construction sales and service;
Redemption centers;
Repair services, consumer;
Research services;
Wholesaling, storage and distribution-mini warehouses;
Wholesaling, storage and distribution—light.

(D) **Agricultural Use Types (See Chapter 20.032).**

Horticulture;
Row and field crops;
Tree crops;
Animal raising—general agriculture;
Animal raising—personal;
Packing and processing—limited;
Forest production and processing—limited.

Sec. 20.102.015 Uses Subject to a ~~Minor Use~~ Administrative Permit.

The following use types are permitted within the P-I District upon issuance of a ~~Minor Use~~ Administrative Permit:

(A) **Residential Use Types (See Chapter 20.016).**

~~Industrial employee housing.~~ Low Barrier Navigation Center;
Supportive Housing;
Transitional Housing.

(B) **Civic Use Types (See Chapter 20.020).**

Lodge, fraternal and civic assembly;
Religious assembly.

(C) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—kennels;
Animal sales and services—veterinary (small animals);
Animal sales and services-veterinary (large animals);
Cottage industries—all types.

(D) **Agricultural Use Types (See Chapter 20.032).**

Packing and processing—winery;
Packing and processing—general;
Forest production and processing—general;
Forest production and processing—commercial; woodlots;
Forest production and processing-portable sawmills.

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Sec. 20.102.020 Uses Subject to a ~~Major~~-Use Permit.

The following use types are permitted within the P-I District upon issuance of a ~~Major~~-Use Permit:

- (A) **Civic Use Types (See Chapter 20.020).**
 - Major impact facilities;
 - Major impact services and utilities.
- (B) **Commercial Use Types (See Chapter 20.024).**
 - Animal sales and services—auctioning;
 - Animal sales and services—stockyards;
 - Recycling centers;
 - Retail sales, general;
 - Scrap operations;
 - Swap meets;
 - Wholesaling, storage and distribution-heavy.
- (C) **Industrial Use Types (See Chapter 20.028).**
 - Custom manufacturing;
 - General industrial.
- (D) **Agricultural Use Types (See Chapter 20.032).**
 - Animal waste processing.
- (E) **Extractive Use Types (See Chapter 20.036).**
 - Mining and processing.

Sec. 20.102.025 Minimum Lot Area.

- (A) Industrial: none.
- (B) Residential: six thousand (6,000) square feet.

Sec. 20.102.030 Maximum Dwelling Density.

One unit per six thousand (6,000) square feet.

Sec. 20.102.035 Minimum Front Yard.

Ten (10) feet. [See setback exceptions in section 20.152.015.](#)

Sec. 20.102.040 Minimum Side and Rear Yards.

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. [See setback exceptions in section 20.152.015.](#)

Sec. 20.102.045 Building Height Limit.

Fifty (50) feet. [See height exceptions in section 20.152.025.](#)

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Sec. 20.102.050 Findings.

Prior to granting any administrative or use permit on lands subject to the P-I Industrial District, the Zoning Administrator, Planning Commission or Board of Supervisors shall make the following findings in addition to the findings required by ~~Section 20.196.020~~Chapter 20.192 or Chapter 20.196, as applicable:

- (A) The proposed project, including traffic generated by the project, will not produce noise levels in excess of:
 - 50 dBA Ldn day (DEH goal from General Plan),
 - 40 dBA Ldn night measured at the project site property lines (excluding roads).
- (B) The proposed project will not subject neighboring parcels to dust, odor or other impairment to air quality in excess of that which would normally be associated with residential or agricultural uses within the Rancheria.
- (C) At least fifteen (15) calendar days prior to any hearing on the administrative or use permit application and supporting information, the application was referred to the Governing Council of the Pinoleville Indian Community for its review and recommendation.

CHAPTER 20.104 O-S OPEN SPACE DISTRICT

Sec. 20.104.005 Intent.

This district is intended to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state. Generally structures and significant grading shall be prohibited, but may be permitted with ~~a minor use~~ an Administrative Permit provided the structures or grading furthers the open space intent.

Sec. 20.104.010 Permitted Uses.

The following use types excepting structures and significant grading are permitted in the O-S District:

(A) Civic Use Types (See Chapter 20.020).

Community recreation;
Essential services;
Fire and police protection services;
Minor impact utilities.

(B) Agricultural Use Types (See Chapter 20.032)

Animal raising—general agriculture;
Forest production and processing—limited;
Horticulture;
Packing and processing—limited;
Row and field crops;
Tree crops.

Sec. 20.104.015 Uses Subject to an Minor Use Administrative Permit.

The following use types are permitted in the O-S District upon issuance of ~~a Minor Use~~ an Administrative Permit:

(A) Structure or significant grading in conjunction with any permitted use.

(B) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;
Day Care Facility;
Employee Housing;
Family residential—single-family;
Low Barrier Navigation Centers;
Supportive Housing;
Transitional Housing.

(C) Accessory uses as provided in Chapter 20.164.

Sec. 20.104.020 Uses Subject to a ~~Major~~ Use Permit.

The following use types are permitted in the O-S District upon issuance of a ~~Major~~ Use Permit:

(A) Civic Use Type (See Chapter 20.020).

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Major impact services and utilities.

(B) Commercial Use Types (See Chapter 20.024).

Commercial recreation—outdoor sports and recreation;

Transient habitation—campground.

(C) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.104.025 Minimum Lot Area.

No divisions permitted unless it can be demonstrated that the division furthers the intent of the OS District.

Sec. 20.104.030 Minimum Front and Rear Yards.

Twenty (20) feet each. [See setback exceptions in section 20.152.015.](#)

Sec. 20.104.035 Minimum Side Yards.

Five (5) feet each. [See setback exceptions in section 20.152.015.](#)

Sec. 20.104.040 Building Height Limit.

Thirty-five (35) feet. [See height exceptions in section 20.152.025.](#)

CHAPTER 20.108 P-F PUBLIC FACILITIES DISTRICT

Sec. 20.108.005 Intent.

This district is intended to create and preserve those properties which are properly used for or are proposed to be used for public purposes or for specified public utility purposes.

Sec. 20.108.010 Permitted Uses.

The following use types are permitted in the P-F District:

(A) Residential Use Types (See Chapter 20.016)

Employee Housing.

(A)(B) Civic Use Types (See Chapter 20.020).

Administrative services government;
Cemetery;
Clinic services;
Community recreation;
Cultural exhibits and library services;
Day care facilities/small schools;
Education facilities;
Essential services;
Fire and police protection services;
Group care;
Lodge, fraternal and civic assembly;
Major impact facilities;
Major impact services and utilities.

(B)(C) Commercial Use Type (See Chapter 20.024).

Automotive and equipment—parking;
Recycling centers;
Redemption centers;

(C)(D) Agriculture Use Types (See Chapter 20.032).

Forest production and processing—limited;
Horticulture;
Packing and processing—limited;
Row and field crops;
Tree crops.

(D)(E) Accessory uses as provided in Chapter 20.164.

Sec. 20.108.015 Uses Subject to a ~~Minor-Use~~ Administrative Permit.

The following use types are permitted in the P-F District upon issuance of a ~~Minor-Use~~ Administrative Permit:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Family residential—single-family;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing.

Sec. 20.108.020 Uses Subject to a ~~Major-Use~~ Permit.

The following use types are permitted in the P-F District upon issuance of a ~~Major-Use~~ Permit:

(A) Commercial Use Type (See Chapter 20.024).

Transient habitation—lodging (limited).

(B) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.108.025 Minimum Lot Area.

None required.

Sec. 20.108.030 Minimum Front Yard.

None required.

Sec. 20.108.035 Minimum Side and Rear Yards.

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side and/or rear setback as established for the contiguous district. See setback exceptions in section 20.152.015.

Sec. 20.108.040 Building Height Limit.

Fifty (50) feet. See height exceptions in section 20.152.025.

PROPOSED FOR REPEAL

CHAPTER 20.112 "A-H" AIRPORT HEIGHT COMBINING DISTRICTS

Sec. 20.112.005 Intent.

This district is intended to be applied in areas in close proximity to public or private airports where, for the purposes of safety, it is necessary to limit the height of structures.

Sec. 20.112.010 Regulations for "A-H" Airport Height Combining Districts.

In any district with which is combined an "A-H" district, the following special height regulations shall apply unless the height limitations in the base district are more restrictive.

Sec. 20.112.015 Definitions.

As used in this Chapter, and as used in this Chapter only, the following definitions shall apply unless the context otherwise requires:

- (A) Airport. "Airport" means the general area of land which is used, or intended to be used, for the landing and taking off of aircraft.
- (B) Airport hazard. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.
- (C) Nonconforming use. "Nonconforming use" means any structure, tree, or use of land which does not conform to a regulation prescribed in this Chapter or an amendment thereto, as of the effective date of such regulations.
- (D) Person. "Person" means any individual firm, co-partnership, corporation, company, association, joint association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
- (E) Structure. "Structure" means any object constructed or installed by man including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines.
- (F) Tree. "Tree" means any object of natural growth.
- (G) Landing area. "Landing area" means the existing and future area of the airport used for the landing, take-off, or taxiing of aircraft.
- (H) Airport Operator. "Airport operator" means the legislative or governing body of the county, city, district, or other local entity which is responsible for the continued operation and maintenance of a public airport. In the case of a private airport, "airport operator" means the individual, individuals, or legal entity which operates and maintains the airport.
- (I) Special Hazard. "Special hazard" means a nonconforming tree which in the opinion of the airport operator, because of its particular location, height, configuration, or proximity to the airport, constitutes a particular danger to aircraft using the airport.

Sec. 20.112.020 Zones.

In order to carry out the purposes of this Chapter, all land within the vicinity of the landing area of the airport is hereby divided into approach zones, transition zones, and horizontal and conical surfaces in accordance with "Standards for Determining Obstructions to Air Navigation," Part 77, Published January, 1975, prepared by the Department of Transportation Federal Aviation Administration which is adopted and made a part hereof. Said document shall not be codified.

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- (A) Such approach zones, transition zones, and horizontal and conical surfaces shall not become effective unless and until the adoption of an airport zoning map or maps delineating such approach zones, transition zones, and horizontal and conical surfaces, and height limits therefor, in the vicinity of the landing area of the airport. Said airport zoning map shall be adopted in the same manner as this Chapter, shall be made a part hereof, and shall be subject to amendments made pursuant to the law. Such amendments shall be entered on the airport zoning maps, and the same shall be maintained up to date at all times.

Sec. 20.112.025 Airport Zoning Maps.

Airport zoning maps shall be numbered, in the order of adoption, as subsections of this Section.

- (A) The following airport zoning maps are hereby adopted and incorporated herein by reference and the area depicted thereby is subject to the requirements of this Chapter except to the extent herein indicated:
 - (1) Airport Zoning Map No. 1 (Willits Municipal Airport Zoning Map Height Regulations); provided however, that the construction and maintenance of structures up to a height of fifty (50) feet above the surface of the land and the growth of trees up to one hundred fifty (150) feet shall be permitted on that portion of said map west of the runway.
 - (2) Airport Zoning Map No. 2 (Round Valley County Airport).
 - (3) Airport Zoning Map No. 3 (Mendocino Airport at Little River).
 - (4) Airport Zoning Map No. 4 (Mendocino County Airport at Boonville).
- (B) The official maps shall be maintained by the Department of Planning and Building Services. Copies of said maps shall be maintained by the Clerk of the Board. Said documents shall not be codified.

Sec. 20.112.030 Height Limits.

Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, or allowed to grow or be maintained in any airport approach zone, transition zone, or horizontal and conical surfaces to a height in excess of the height limit specified for such zone as delineated upon the airport zoning map. Such height limits shall be those specified in the aforesaid "Standards for Determining Obstructions to Air Navigation."

Sec. 20.112.035 Use Restrictions.

Notwithstanding any other provisions of this Chapter, no use may be made of land within any airport approach zones, airport transition zones, or horizontal and conical surfaces in such a manner as to create harmful electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in harmful glare in the eyes of the flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or maneuvering of aircraft.

Sec. 20.112.040 Nonconforming Uses.

- (A) Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Mendocino County Director of Planning and Building Services authorizing such replacement, change or repair.
- (B) No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.
- (C) Except as provided herein, all applications for permits shall be granted.

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- (D) No such permit shall be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of existing structure.
- (E) Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Chapter, may apply to the Mendocino County Director of Planning and Building Services for a variance from the zoning regulations in question. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Chapter; provided, that any variance may be allowed subject to any reasonable conditions that the Mendocino County Director of Planning and Building Services may deem necessary to effectuate the purpose of this Chapter.
- (F) In granting any permit or variance under this Section, the administrative agency may, if it deems such action advisable to effectuate the purposes of this Chapter and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the City and County, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Sec. 20.112.045 Administrative Agency.

The Mendocino County Director of Planning and Building Services is hereby designated the administrator, charged with the duty of administering and enforcing the regulations herein described. The duties of the Mendocino County Director of Planning and Building Services shall include that of reviewing all applications for building permits within the approach zones, transition zones, and horizontal and conical surfaces of the airport and areas subject to the regulations of this Chapter, but the Mendocino County Director of Planning and Building Services shall not have or exercise any of the powers or duties delegated to the County Planning Commission.

Sec. 20.112.050 Abatement.

Should the airport operator declare a growing tree to constitute a special hazard because it has been allowed to grow in violation of County ordinance or State law the airport operator may institute legal abatement procedures to have the tree trimmed, topped or removed at the expense of said airport operator.

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CHAPTER 20.114 "AZ" AIRPORT ZONE COMBINING DISTRICT

Sec. 20.114.005 Intent.

This district is intended to be applied to parcels outside of airports which are located in airport planning zones as specified in the County's adopted Airport Comprehensive Land Use Plan (CLUP) or Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) for the purpose of notifying interested parties that restrictions may apply to certain parcels as described within the CLUP or UKIALUCP.

Sec. 20.114.010 Regulations.

Development of parcels within the "AZ" Airport Zone Combining District shall be subject to the regulations set forth in the applicable Airport Comprehensive Land Use Plan CLUP or UKIALUCP, as applicable, or as stipulated in this Chapter.

CHAPTER 20.116 "C" CLUSTER COMBINING DISTRICT

Sec. 20.116.005 Intent.

This district is intended to be combined with property to provide protection to agricultural or natural resources by providing a buffer on adjacent lands:

- (A) Lying adjacent to lands in agricultural preserve or zoned Timberland Production for the purpose of providing a buffer to these resource lands; or
- (B) Used for more than four (4) dwelling units when clustered to enhance and protect the agricultural or natural resources of a site.

Sec. 20.116.010 Regulations for "C" Cluster Combining District.

The following regulations apply to the "C" Combining District. These regulations supersede the standards and regulations of the underlying zoning district and are implemented either through obtaining a Use Permit or subdividing the property pursuant to Division 17.

- (A) Parcels contiguous to ~~Type I~~ Agricultural Preserves shall have a five (5) acre minimum except that a higher density may be allowed to recognize the average density of the existing parcel sizes within one-quarter (¼) mile.
- (B) Parcels contiguous to ~~Type II Agricultural Preserves or~~ Timberland Production zoning shall have a ten (10) acre minimum except that a higher density may be allowed to recognize the average density of the existing parcel sizes within one-quarter (¼) mile.
- (C) In exception to Subsections (A) and (B) above of this Section, a higher density may be allowed if:
 - (1) A use permit or subdivision is processed and approved which preserves and protects those lands adjacent to resource lands for nonresidential purposes.
- (D) **Development Standards.**
 - (1) Residential development shall be limited to twenty-five percent (25%) of the area of the property.
 - (2) Open Space easements or other methods will be required on all open space not included within the residential development area on both parcel groups and dwelling groups.
- (E) **Use Permit Standards.**
 - (1) Residential development shall be located at the farthest feasible point from the protected resource. Unless energy conservation and environmental concerns require location nearest to public roadways and utilization of common water sources and septic disposal.
 - (a) Residential development area shall be measured along the outside perimeter of the structures on the plot plan.
 - (b) Residential development (structures) should be arranged in such a way that the area of development should not exceed 3:1, length to width ratio.
 - (2) Access to the residential development shall be via a common easement or driveway.
 - (3) Width of the access easement and improvements for access, drainage and utilities shall be determined as necessary by the Planning Commission and/or Board of Supervisors based on the ~~Public Works Department of Transportation's Department's~~ recommendations.
 - (4) If clustering is accomplished by the approval of a use permit, a condition of approval shall state that the Open Space portion of the property shall remain in Open Space, which may include an Open Space easement or conservation easement, until such time as the land use density is increased by a General Plan amendment.

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- (5) If clustering is accomplished by the filing of a parcel or final map, the Open Space parcel shall be noted on said map as "Not a Residential Building Site."
- (6) In no instance shall the density allowed exceed the maximum allowable density within the General Plan.

CHAPTER 20.124 "IS" ISOLATED SERVICE COMBINING DISTRICT

Sec. 20.124.005 Intent.

This district is intended to allow continued use of legally established commercial and industrial uses within a General Plan land use classification which make the use legal nonconforming. This Chapter is intended to retain the individual identity of the existing land use, and the ability of that use to expand based upon economic demand or public need.

Sec. 20.124.010 Regulations for "IS" Isolated Service Combining District.

In any district combined with an "IS" District, the regulations of this Chapter shall apply in addition to those herein specified for such district, provided that if conflict in regulations occurs, the regulations of this Chapter shall govern.

- (A) Establishment of "IS" Isolated Service Combining District.
 - (1) In each instance in which a legally existing land use made nonconforming by the General Plan is determined to warrant "Isolated Service" designation, a contract zoning shall be established for the site.
 - (2) Application for "IS" Isolated Service Combining District shall be initiated by the property owner and the application shall be submitted to the Planning and Building Services Department. Upon approval of the "IS" Combining District the owner and the Planning and Building Services Director shall sign a zoning contract.
 - (3) The zoning contract shall designate the nature, extent and intensity of the land use in question and will control said use to the extent that exists upon adoption of the contract zoning.
 - (4) Upon termination of the contract use the "IS" Isolated Service Combining District shall be null and void and all subsequent uses of the site shall comply with the provisions of the base zone designation for the parcel.
- (B) The modification or expansion of a commercial or industrial use in the "IS" Combining District may be allowed upon the issuance of a ~~minor~~-use permit. The following findings must be made prior to the approval of the ~~minor~~-use permit:
 - (1) The proposal will not result in unmitigated adverse impacts to surrounding land uses.
 - (2) The expansion or modification is found necessary to meet economic demand or increased public need.

PROPOSED FOR REPEAL

CHAPTER 20.128 "AV" AIRPORT DISTRICTS

Sec. 20.128.005 Intent.

This district classification is intended to be applied on properties used or planned to be used, as airports, and where special regulations are necessary for the protection of life and property.

Sec. 20.128.010 Permitted Uses for "AV" Districts.

- (A) Airports and support facilities, paved runways, taxiways, landing strips and aprons.
- (B) Aircraft storage, service and repair hangars.
- (C) Aircraft fueling facilities.
- (D) Passenger and freight terminal facilities.
- (E) Lighting, radio and radar facilities.
- (F) Accessory structures and facilities including aircraft and aviation accessory sales.
- (G) Industrial caretaker housing.

Sec. 20.128.015 Uses Subject to a Minor Use Permit for "AV" Districts.

- (A) Industrial plants, operations and uses.
- (B) Commercial and service structures and uses.

Sec. 20.128.020 Maximum Height Limit for "AV" Districts.

Thirty-five (35) feet.

CHAPTER 20.134 "MP" MINERAL PROCESSING COMBINING DISTRICT

Sec. 20.134.005 Intent.

This combining district is intended to allow, in limited circumstances, the processing of mineral resources near the site of extraction. Processing includes, and is limited to, operation of asphalt and/or concrete batch plants. Since mineral extraction must take place on the physical site where the minerals naturally occur, special controls are needed to minimize conflicts with other land uses. The Mineral Processing Combining District functions as an "overlay district" to be applied to the area where mineral processing activities will take place.

Sec. 20.134.010 Regulations for "MP" Mineral Processing Combining District.

- (A) Objectives: The operation of asphalt and concrete batch plants shall be allowed on properties within the Mineral Processing Combining District, subject to the issuance of a major use permit. "Asphalt and concrete batch plants" are defined as machinery used to process raw gravel, sand, and other materials into either hot asphalt or ready-mix concrete.
- (B) Locational Requirements: The Mineral Processing Combining District shall only be applied to areas with an R-L zoning designation (See Chapter 20.060) within one-half miles of a legally established and active mining or mineral extraction operation. The Mineral Processing Combining District shall not be applied to:
 - (1) Land within any area of special flood hazard established in Section 22.17.210; or
 - (2) Land incorporated into Agricultural Preserves under Williamson Act contract.
- (C) Designation: The Mineral Processing Combining District shall be designated by the symbol (MP) on the County Land Use Plan.
- (D) Development Standards:
 - (1) The operation of asphalt and concrete batch plants shall be limited to areas within one-half mile of surface mining activities that have vested rights or a permit to mine from the County.
 - (2) The general building height limitations for R-L districts shall not apply to mineral processing equipment located within a Mineral Processing Combining District. Instead, asphalt silos and other mineral processing equipment are subject to the seventy-five (75) foot height limitation provided in Section 20.152.025(~~CB~~)(4).
 - (3) When mining activity ceases, the mineral processing use must cease within one (1) year.
 - (4) The batch plant site shall be reclaimed subject to a Reclamation Plan approved as part of the Use Permit approval provided for in Section 20.134.015.
- (E) Required Information: A Mining/Reclamation Plan describing the phasing of reclamation, in relation to the phases of the mining operation, shall be submitted for land areas which are to be included within a Mineral Processing Combining District. When approving an MP use permit the County may include a condition of approval requiring the permittee to remove the MP zoning overlay upon expiration of the mining use permit.

Sec. 20.134.015 Uses Subject to a Use Permit.

In addition to the use types specified as uses subject to a use permit by the zoning district with which the "MP" combining district is combined, the onsite use of asphalt and concrete batch plants shall also be permitted upon issuance of a ~~major~~-use permit.

CHAPTER 20.136 P-D PLANNED DEVELOPMENT COMBINING DISTRICT

Sec. 20.136.005 Intent.

The PD Combining Zone is used to create project-specific development standards where standard residential and commercial and industrial design would be inappropriate due to the unique or highly visible nature of the site, to encourage imaginative development incorporating cluster development, and maximize and preserve open space and views from public roads.

This district is intended to be applied on:

- (A) Parcels in a single ownership, which are suitable for and of sufficient acreage to contain a planned community or development;
- (B) Parcels in multiple ownerships, which are determined to have development limitations, and require that improvement plans be prepared before divisions of land occur, or use permits are approved.

Sec. 20.136.010 General Development Criteria.

A Use Permit pursuant to Chapter 20.196 is required to implement the PD Combining District. All Use Permit applications to implement the PD Combining District shall be accompanied by proposed development standards. Final development standards shall be determined by the Use Permit and shall include regulations for the following development standards: The following development standards shall be met by a planned development before they are granted a use permit in accordance with Chapter 20.196.

- (A) ~~(A)~~—Lot size and dimensions (width and depth)
- (B) ~~(B)~~ Setbacks
- (C) ~~(C)~~ Height Limits
- (D) ~~(D)~~ Compatibility with Adjacent Land Uses. A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential, commercial or agricultural development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.
- (~~B~~E) ~~(E)~~ Relation to Natural Features. A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
- (F) ~~(F)~~ Site Plan at sufficient detail to allow development to be reviewed for conformance with this section.
- (G) ~~(G)~~ Design Criteria. A planned development shall be designed in a manner to include low impact development techniques and enhanced pedestrian facilities.

Sec. 20.136.015 Maximum Density.

The maximum allowable density shall be as designated by the Mendocino County General Plan.

Sec. 20.136.020 Lot Size.

The lot size regulations within the zoning district shall not apply in a planned development, provided however, that minimum lot size on a site designated Suburban Residential or Rural Community by the

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General Plan shall observe a minimum of four thousand (4,000) square feet. Property within all other designations shall observe a six thousand (6,000) square feet minimum lot size.

PROPOSED FOR REPEAL

CHAPTER 20.140 "SH" SPECIAL HAZARDS COMBINING DISTRICT

Sec. 20.140.005 Intent.

This district is intended to be applied to lands on which uses must be restricted because of the presence of such potential hazards as steep or unstable slopes, potential cliff erosion or other potential ground failure.

Sec. 20.140.010 Regulations for "SH" Special Hazards Combining District.

Any development requiring a building permit, septic tank permit or grading permit on land within a "SH" Combining District shall first obtain approval of a minor use permit unless said development is designated as a use subject to a Major Use Permit within the zoning district. Application for the use permit shall include a geologic, seismic and/or soil engineering report as appropriate for the site and proposed development. The report(s) shall be prepared by a registered geologist certified in engineering geology or by a registered civil engineer experienced in soil work, as provided in the Business and Professions Code of the State of California, Sections 6730—6734 and 7800—7838. Reports shall comply with the guidelines developed by the California Division of Mines and Geology, CDMG Note Nos. 37, 43, 44, 47 and 49.

REPEAL

PROPOSED FOR REPEAL

CHAPTER 20.148 SUPPLEMENTAL LIMITATIONS ON USES

Sec. 20.148.005 Limitation on Uses.

The following limitations apply to the uses indicated by the corresponding number in quotes in the previous sections describing the zoning districts. Where conflict exists between this Chapter and any other, this Chapter shall be utilized.

- "1" Farm Employee Housing. Farm employee housing shall not be located closer than fifty (50) feet to any lot line of the parcel on which it is located.
- "2" Farm Labor Housing. No farm labor camp shall be located closer than fifty (50) feet to any lot line of the parcel on which it is located.
- "3" Veterinary Hospitals. Hospitals shall be located on a parcel not less than forty thousand (40,000) square feet in size. Indoor treatment areas must be located at least fifty (50) feet from the nearest property line, and outdoor treatment or confinement areas must be located at least one hundred (100) feet from the nearest property line.
- "4" Limitations on Enclosed Storage. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building, and the area devoted to storage shall not be greater than the area devoted to sales and administration offices.
- "5" Enclosed Building. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building.
- "6" Enclosed Building or Walls. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building or inside walls of solid fences not less than six (6) feet in height.
- "7" Retail Establishments. Limited to retail establishments intended for the convenience of permitted establishments and/or clients thereof, the total floor area of the building in which it is located and has no entrance except from the lobby or interior of said building, or from a patio entirely surrounded by said building.
- "8" Gasoline Sales. There shall be no open storage of goods or materials, and all repair and lubrication services shall take place in an enclosed building.

CHAPTER 20.152 GENERAL PROVISIONS AND EXCEPTIONS
DISTRICTS

Sec. 20.152.005 Purpose.

The regulations specified in this Division shall be subject to the general provisions and exceptions set out in this Chapter.

Sec. 20.152.010 Lot Area, Measurement of Height, Setbacks, Etc.

(A) Measuring Distances.

- (1) Measurements Are Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

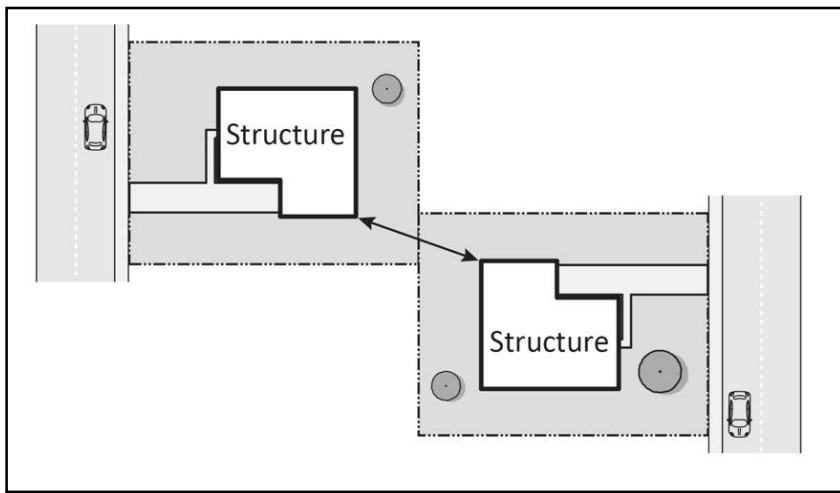


Figure 20.152-A – Measuring Distances Between Structures

Example of measuring the shortest distance, in this case between two buildings.

- (2) Distances Are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

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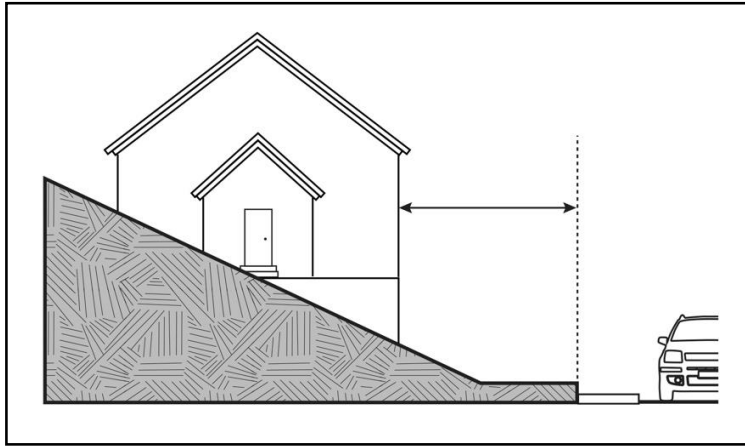


Figure 20.152-B – Measuring Setbacks Along Slopes

Setbacks and other dimensions are measured horizontally, even on sloping sites.

- (3) Measurements Involving a Structure. Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

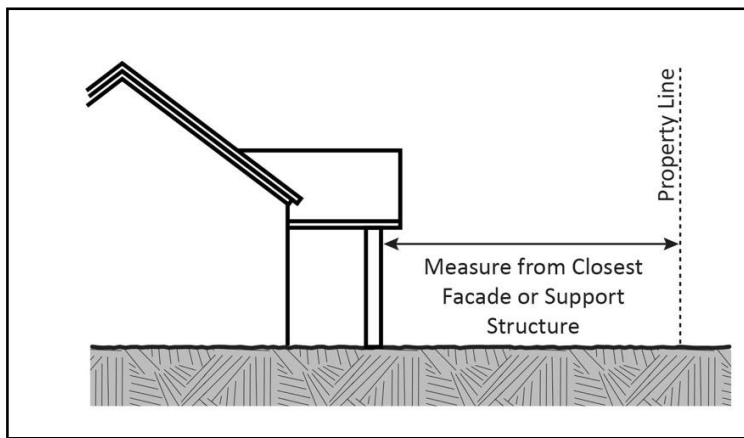


Figure 20.152-C – Measuring Distances from Support Structures

Setbacks are measured to the support element of the structure.

- (4) Measurement of Vehicle Stacking or Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

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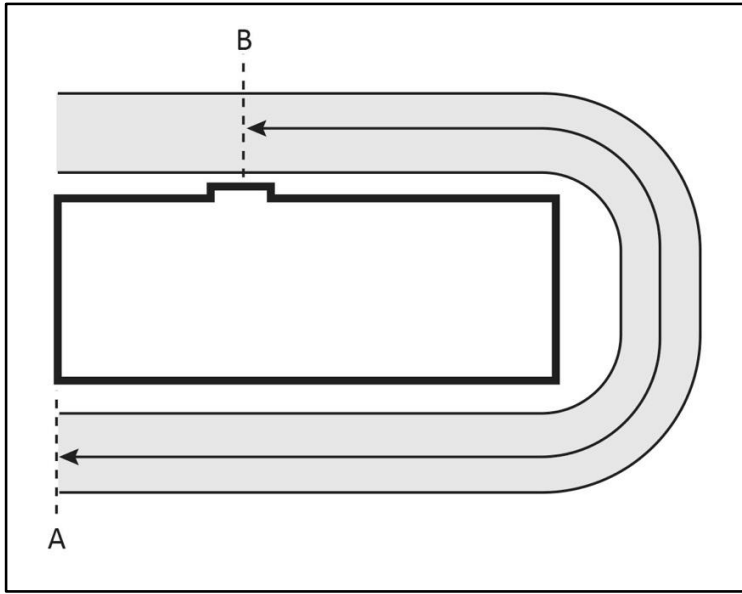


Figure 20.152-D – Measuring Vehicle Stacking and Travel Areas

Distance is measured along the centerline of a roadway or driveway.

- (5) Measuring Radius. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

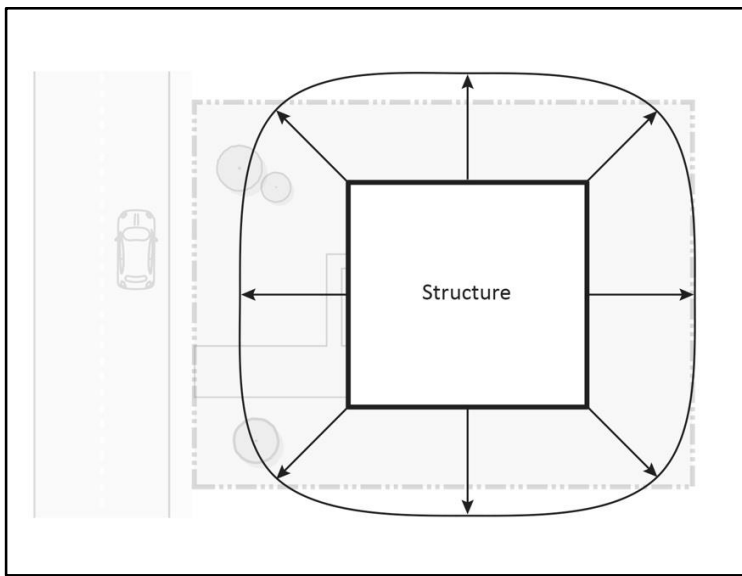


Figure 20.152-E – Measuring Radius from Buildings or Land Use Restrictions

Example of measuring required minimum distance.

- (B) Measuring Height.

- (1) Measuring Building Height. The vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.

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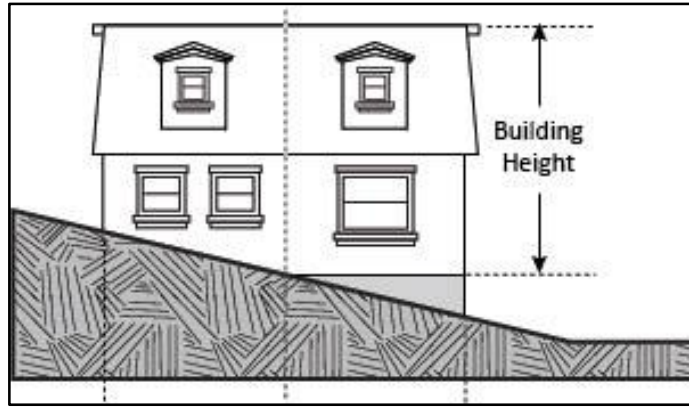


Figure 20.152-F – Measuring Height of Building on a Hillside

On a sloping site, building height is measured from the average of the high and low points on the finished grade to the top of the structure.

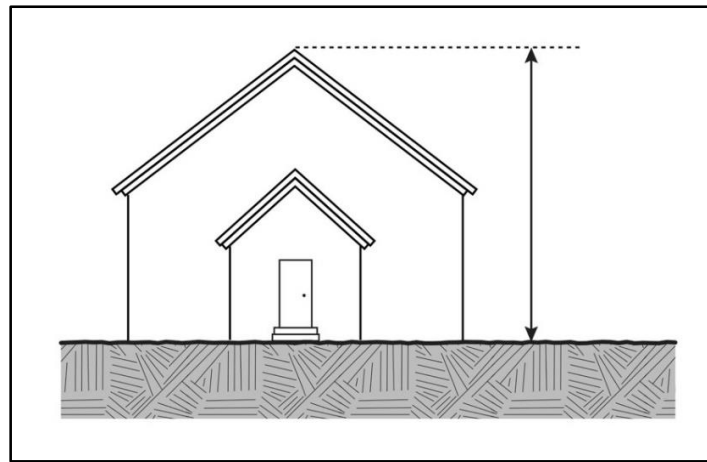


Figure 20.152-G – Measuring Building from Ground Level

On a flat site, the ground level is the same at all points; building height is measured from ground level to the highest point of the structure.

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(2) Measuring Height of Fences or Walls.

- (a) Fence or wall height shall be measured as the vertical distance between the finished grade at the base of the fence or wall and the top edge.

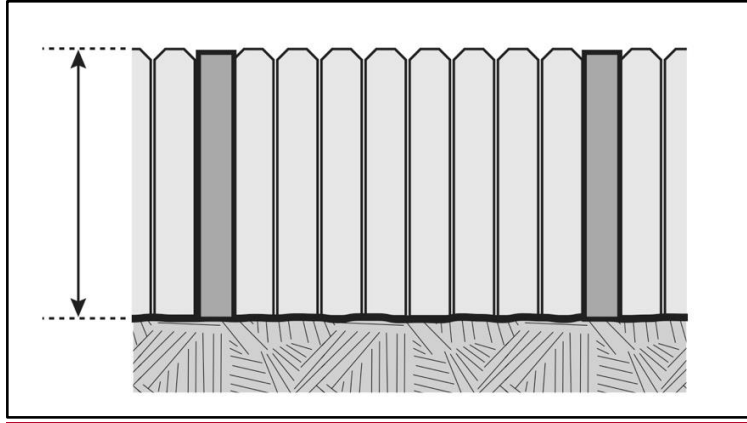


Figure 20.152-H – Measuring Fence Height

Fence height is measured to the top edge of the fence.

- (b) The height of fencing placed atop a wall shall be measured from the base of the wall, except as provided in (c), below.
- (c) The height of a fence or wall shall be measured on the side facing a public right-of-way or the lot or parcel adjacent to the lot or parcel of the person(s) erecting the fence or wall, as shown in the figure below.

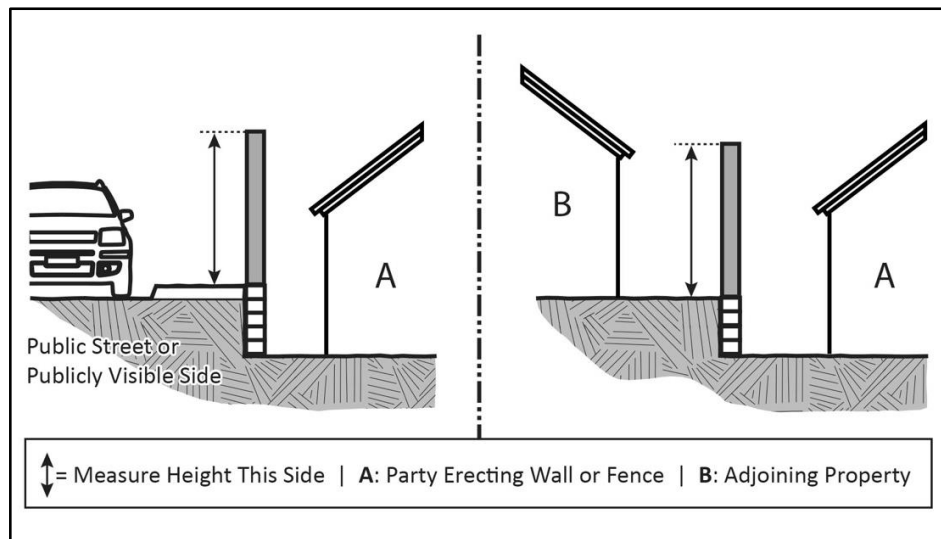


Figure 20.152-I – Measuring Height From Public View

Fence or wall height is measured from the side visible to the public (in the example above, from the adjacent street) or from the side not owned by the party constructing the fence or wall.

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- (3) Measuring the Height of Decks. Deck height is determined by measuring from average level of the ground below the deck to the top of the floor of the deck directly above the point measured.

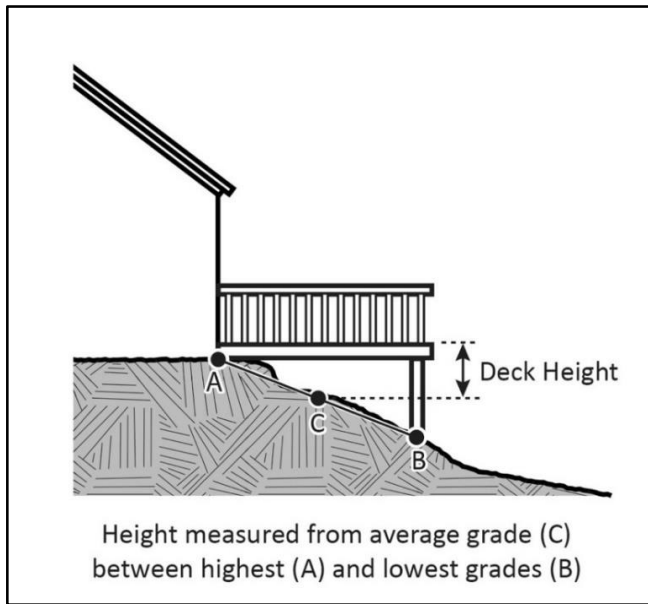


Figure 20.152-J – Measuring Height of Deck

Measuring deck height. On a very flat site, A, B, and C will be the same height.

- (C) Measuring Lot Width and Depth.

- (1) Lot Width. Lot width is the horizontal distance between side lot lines measured at the front yard setback line.

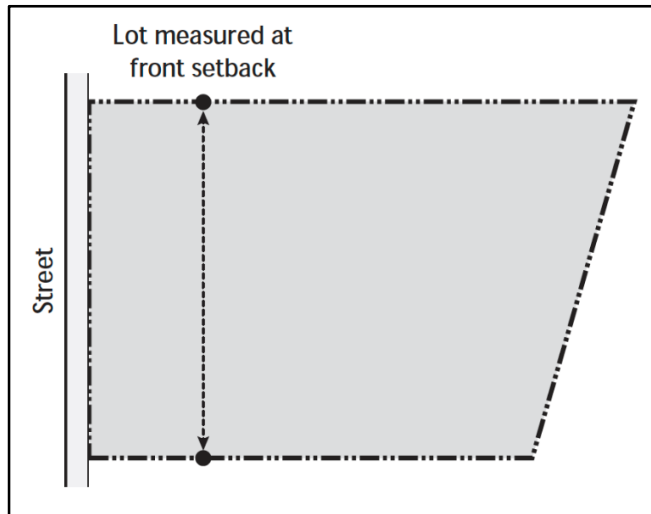


Figure 20.152-K – Measuring Lot Width

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- (2) Lot Depth. Lot depth is measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

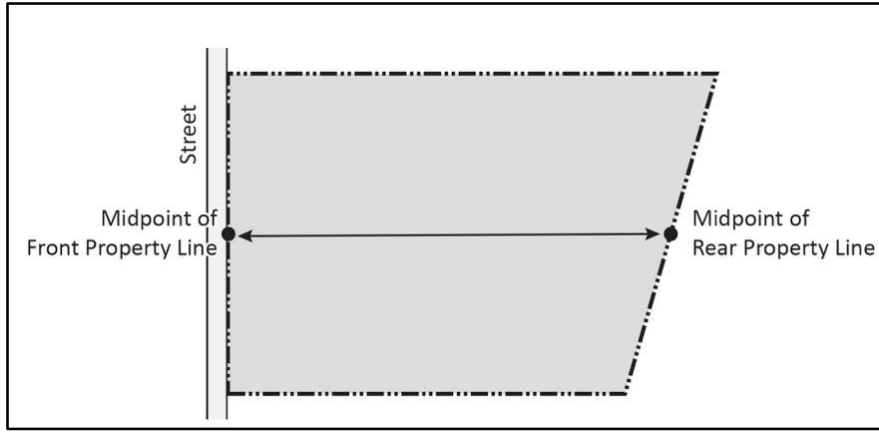


Figure 20.152-L – Measuring Lot Depth.

- (3) Irregular lot configurations. In a case of irregular lot configuration, the lot width and depth shall be determined by the Director.
- (D) Determining Gross Floor Area of Structures. The gross floor area of a building is the gross horizontal areas of all floors, including usable attics, basements, hallways, closets, etc., below the roof and within the exterior surfaces of surrounding exterior walls of a building, excluding enclosed, unconditioned porches.
- (E) Lot Lines. Rules used to determine front, rear, and side lot lines are provided in the Chapter 20.008 Definitions.
- (F) Determining Setbacks (Yards). A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line.

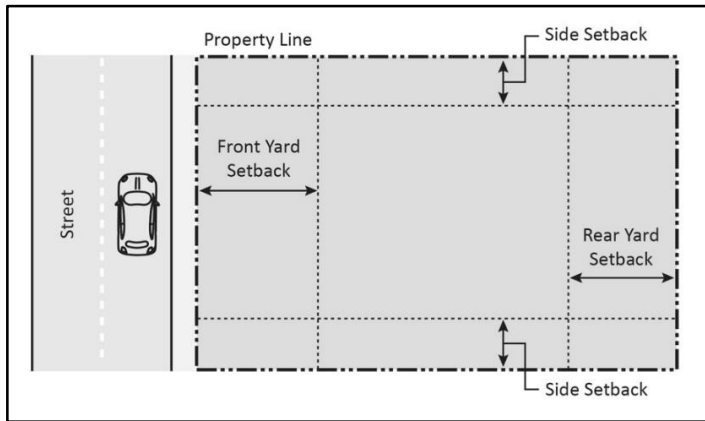


Figure 20.152-M – Measuring Setbacks on a Parcel with Straight Frontage

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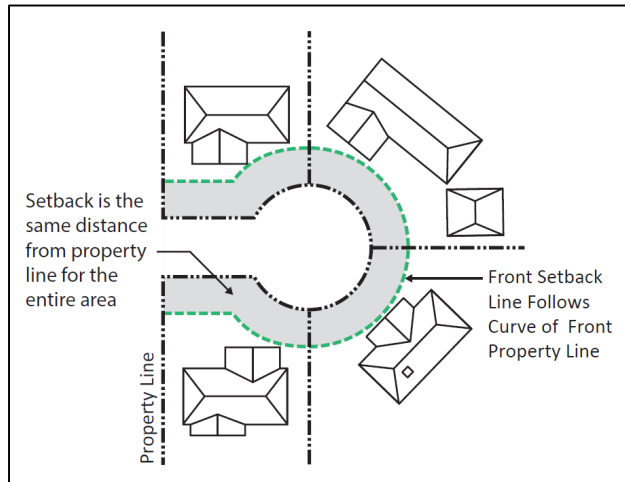


Figure 20.152-N – Measuring Setbacks on a Parcels with Curved Frontage

~~(4)~~

~~When any ownership is comprised of a single lot which has been legally created and is subsequently zoned to a minimum parcel size larger than the existing parcel, said lot shall not be subject to requirements for variance to minimum lot size.~~

Sec. 20.152.015 Yards and Setback Exceptions.

- (A) No yard or other open space provided about any building for the purpose of complying with the regulations of this Division shall be considered as providing a yard or open space for any other building or structure.
- (B) In any case where a setback line plan line has been established, the required yards on the street frontage of lots shall be measured in accordance with such lines, and in no case shall the provisions of this Division be construed as permitting any structure to extend beyond such lines.
- (C) If a roadway easement or access easement serves, or has the potential to serve, more than four (4) lots or parcels, said easement shall be considered a street for the purpose of establishing a front-yard setback ~~or corridor preservation setback.~~
- (D) Eaves, canopies, and similar roof features may overhang into any required yard setback a distance not exceeding two (2) feet.
- (E) Private swimming pools and hot tubs are not subject to setback requirements in the side or rear yards of any zoning district. ~~(E) Fences in rear or side yards not having street frontage may not exceed eight (8) feet (fences over six feet require building permits). Fences and hedges in front yards and any rear or side yards having street frontage may not exceed three and one-half (3½) feet. The above fence height limitations shall apply to view-obstructing fences such as board fences and picket fences. Fences for the containment of animals, such as barbed wire, chicken wire, hog wire, and similar loose-meshed wire fences or non-view-obscuring fences such as cyclone fences shall not be subject to the above fence height restrictions.~~
- ~~(F)~~ (F) — A detached garage, detached storage shed, or similar detached accessory building not exceeding fifteen (15) feet in height at the ridge and five hundred (500) square feet of floor area ~~or uncovered decks or porches~~ shall observe a ~~five-four (45)~~ foot setback from rear property lines that do not have street frontage. Setbacks from property lines having street frontage shall be as otherwise required by this Division.

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- ~~(F)~~(G) Uncovered decks or porches shall observe a four five (45) foot setback from rear property lines that do not have street frontage. Setbacks from property lines having street frontage shall be as otherwise required by this Division.
- (H) Barns, stables, chicken houses and similar accessory buildings that contain animals are subject to the following setbacks:
- (1) For parcels greater than 40,000 square feet in size, such buildings shall be not less than fifty (50) feet from any property line, and not less than forty (40) feet from any dwelling.
- ~~(1)~~(2) For parcels less than 40,000 square feet in size, such buildings shall be located on the rear one-third (1/3) of the lot, not less than four five (45) feet from the side or rear property line, and not less than forty (40) feet from any dwelling. ~~except as otherwise provided under Section 20.032.030.~~
- (I) In the case of a corner lot in any district, front yard setbacks shall be maintained from all lot lines having street frontage. Side yard setbacks shall be maintained from all other lot lines not having street frontage.
- ~~(G)~~(J) Animal Sales and Services – Veterinary (all types) as described in sections 20.024.020(F) and (G) must maintain a minimum fifty (50) foot setback from the nearest property line to all indoor treatment areas and a minimum one-hundred (100) foot setback from the nearest property line for outdoor treatment or confinement areas.

Sec. 20.152.020 Fences, Walls, and Screening.

- (A) Fence and Screening Height Limits and Locations.
- (1) View-obscuring fences, such as board and picket fences, or hedges are subject to the height limits and locations as shown in Table 20.152-A and Figure 20.152-O, below. See section 20.152.010(B)(2) for how to measure the height of a fence.

<u>Table 20.152-A – Maximum Height of View Obscuring Fences and Hedges in Required Yard Area</u>	
<u>Location of Fence/Wall/Screen</u>	<u>Maximum Height</u>
<u>Required front yard</u>	<u>3½ feet</u>
<u>All other locations on a lot or parcel except at intersections (see below)</u>	<u>8 feet¹</u>
<u>At intersections of streets, alleys, and driveways within the clear visibility area</u>	<u>Consult Department of Transportation for required dimensions of clear visibility area</u>

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1: Fences over 7 feet require a building permit.

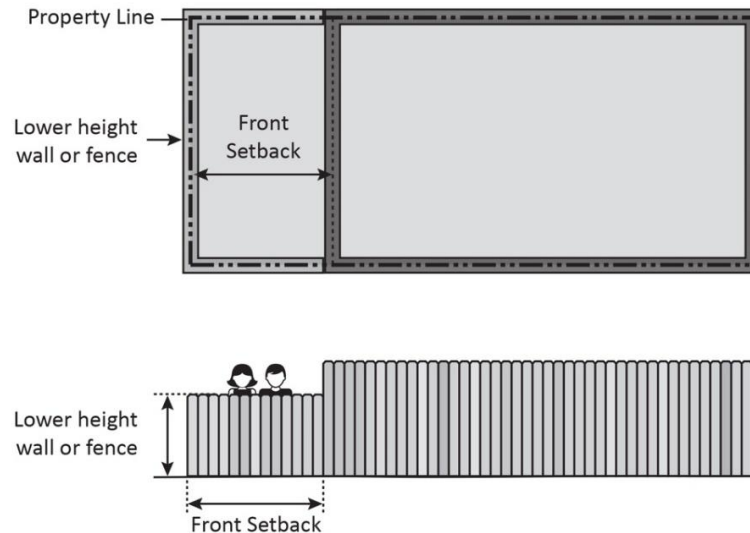


Figure 20.152-O – Measuring Setbacks for Fence Heights

- (2) Non-view-obscuring fences, such as fences for containment of animals, chicken wire, hog wire, and similar loose-meshed wire fences that allow ninety percent (90) percent of light to pass through them are not subject to any height or location restrictions.
- (B) Retaining Walls. An embankment to be retained that is over six (6) feet in height shall be benched so that no individual retaining wall exceeds a height of forty-eight (48) inches above the finished grade and each wall has a bench at least equal to the height of the wall.

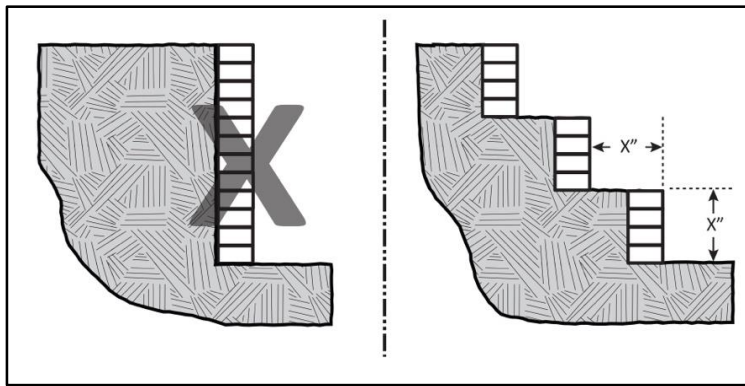


Figure 20.044-P – Retaining Wall Step Design Illustration

Retaining walls more than 6 feet high shall be stepped as shown above.

- (C) Temporary Fencing. Temporary fencing may be required as part of approval of an Administrative Permit, Use Permit, Variance, or Subdivision where necessary to protect trees or other sensitive features and the general public from construction activities during site preparation and construction. Temporary fencing shall be removed within ninety (90) days after construction has been completed.
- (D) Temporary Security Fencing. Temporary security fencing may be installed around the property lines of vacant property with approval from the Director. The maximum height of the fencing allowed shall be determined at the sole discretion of the Director, but in no case shall be greater

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than eight (8) feet in height. Temporary security fencing shall be removed upon the issuance of a permit or entitlement to allow development of the property.

- (E) Razor/Concertina Wire. Razor/Concertina wire is prohibited, whether individually or in conjunction with a fence or wall, unless approved through an Administrative Permit pursuant to Chapter 20.192 for security needs (i.e., an industrial user) or where required by County, State, or Federal Law or Regulation.

~~Sec. 20.152.020 Corridor Preservation Setback.~~

~~There is established a corridor preservation setback. A corridor preservation setback shall apply to all lots or parcels that abut a publicly maintained street or highway. A corridor preservation setback shall be in addition to front yard setbacks prescribed elsewhere in this Division and shall apply in districts that prescribe no front yard setback. Corridor preservation setbacks shall be measured perpendicular from the center line of the existing right-of-way of record or where no record right-of-way exists from the center of the physical road. Corridor preservation setbacks shall be as follows:~~

General Plan Road Classification	Corridor Preservation Setback	
	Urban	Rural
Principal Arterial	60'	60'
Minor Arterial	45'	40'
Connector	45'	35'
Major Collector	45'	35'
Minor Collector	35'	30'
Local Connector	30'	30'
Local Road	25'	25'

Sec. 20.152.025 Height Exceptions.

- (A) Height limitations provided herein shall not apply to electric transmission lines and towers.

- (B) A Variance pursuant to Chapter 20.200 is not required for the following Height Exceptions:

(1) (A) Radio and television aerials and antennae, and similar utility structures and necessary mechanical appurtenances for private reception, may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the structures are located, provided, however, that no such structure in excess of the allowable building height shall be used for any commercial or advertising purposes or any communication transmissions.

(+)(2) Wind generators (including windmills used for agricultural uses) and their associated towers may be built and used to a height of one hundred (100) feet as measured from the ground to the highest point of the system.

~~(2) (B) Additional heights for public utility structures may be permitted upon approval by the Planning Commission. Height limitations provided herein shall not apply to electric transmission lines and towers.~~

(3) (C) Asphalt silos, and other mineral processing equipment located within Mineral Processing Combining Districts may be built and used to a height not more than seventy-five (75) feet as measured from the ground to the highest point of the equipment.

- (DC) The above height limitations in (A) shall be subject to laws and regulations of the State and Federal Governments. And in no case may the height of any of the above structures exceed the airport height restrictions set forth in as may be required by the "A-HAZ" zoning-combining district.

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Sec. 20.152.030 Density Bonus.

The purpose of this section is to implement State law regarding the granting of density bonuses and other incentives for certain residential projects and to promote the construction of affordable housing within the County to meet the targets for moderate, low and very low income households in the Housing Element of the County of Mendocino General Plan.

~~(A) Applicability.~~

~~Pursuant to Government Code Section 65915, when a developer proposes to construct a housing development of at least five (5) dwelling units, of which a certain percentage (excluding any bonus units) will be limited to occupants meeting specified criteria set forth in Government Code subsection 65915(b); and/or when the proposed project meets other specified criteria in Government Code subsections 65915(h) or (i), the project shall be eligible for a density bonus and at least one concession or incentive.~~

~~(B) Regulatory Concessions and Incentives.~~

~~(1) When a project meets any of the criteria described above, the County shall grant a density bonus and one or more concessions or incentives, as defined in Government Code Section 65915 and subject to the requirements of Government Code Section 65915, provided that such concessions or incentives are required to make the proposed housing units economically feasible.~~

~~(2) Neither this subsection nor State law limits or requires the provision of direct financial incentives from the County for a qualifying project, including the provision of publicly-owned land by the County or the waiver of County fees or dedication requirements.~~

~~(C) Contractual Agreements and Reservation of Units.~~

~~The developer of a housing development for which a density bonus is granted under section (a) shall enter into either a development agreement pursuant to California Government Code Section 65865 et seq. or other recorded contractual agreement satisfactory to the County which guarantees that the targeted units will be provided by the developer and will remain available to the targeted persons or households for the applicable period deemed appropriate by the Board of Supervisors in conformance with State law. The agreement shall identify the means by which such continued availability will be secured and the procedures under which the targeted units will be rented and/or sold during such period, and may contain other terms and provisions, not inconsistent with Government Code Section 65915, that the County may require.~~

~~(D) Application for Density Bonus.~~

~~(1) The developer of a proposed residential development seeking a density bonus shall file an application with the Planning and Building Services Department for approval of such on a form specified by the Planning Director, and shall be accompanied by all maps, plans and other information deemed necessary by the Planning Director.~~

~~(2) An application shall be accompanied by a fee established by the Board of Supervisors.~~

~~(3) An application for a density bonus and any additional concession or incentive shall include the following information:~~

~~i. The provisions of Government Code Section 65915 under which the density bonus is sought and the size of the density bonus requested, expressed as a percentage of the maximum number of units allowed by the zoning district and General Plan designation within which the project is located.~~

~~ii. Identification of the requested regulatory concession or incentive.~~

~~iii. Specific information and data concerning the proposed development which establishes that the regulatory concession or incentive sought by the applicant is necessary to make the housing units economically feasible.~~

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- ~~iv. Evidence of consultation with the appropriate decision-making body regarding any proposed concession or incentive requiring expenditure of County or Redevelopment Agency funds, or provision of publicly-owned land.~~
- ~~v. Such other pertinent information as the Planning Director may require to enable the County to adequately analyze the economic feasibility of the project with respect to the requested concession or incentives.~~
- ~~vi. An offer to enter into the contractual agreement required by subsection (c) to guarantee the reservation of the targeted units.~~

~~(E) Review Process for Density Bonus Applications.~~

~~(1) Planning Commission Review.~~

- ~~i. The Planning Commission shall hold a public hearing on an application for a density bonus. Such hearing may be held concurrently with any other entitlements for the proposed housing development that require County approval.~~
- ~~ii. At the public hearing, the Planning Commission shall review the application, statements and plans submitted therewith and shall receive pertinent evidence concerning the application for a density bonus, particularly with respect to any required findings.~~
- ~~iii. The Planning Commission shall act on an application for a density bonus or for a density bonus and additional concessions or incentives when such concessions or incentives do not require the expenditure of County or Community Redevelopment funds, the provision of publicly-owned land, the approval of modifications to development standards or requirements. The Commission may approve, conditionally approve or deny the application by resolution. A resolution that denies the application shall include one or both of the findings of fact contained in subsection (E)(1)(iv).~~
- ~~iv. The Planning Commission shall approve or conditionally approve an application that is subject to its purview unless, on the basis of the application and the evidence submitted, the Commission makes written findings of fact establishing either of the following:
 - ~~a. The concession or incentive is not required in order for the prices for the targeted units to be affordable, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915.~~
 - ~~b. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety, the physical environment or any real property that is listed in the California Register of Historical Resources; for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to targeted households.~~~~
- ~~v. The Planning Commission shall have the authority, as part of its review and decision process, to waive or modify development and Zoning Ordinance standards that would otherwise inhibit the utilization of the density bonus on specific sites, including but not limited to such items as minimum lot size and side yard setbacks.~~
- ~~vi. In the case of a density bonus application which requests a concession or incentive involving the expenditure of County or community redevelopment funds, the provision of publicly-owned land, the approval of modifications to development standards or requirements, the Planning Commission shall make recommendations to the Board of Supervisors as to whether such concessions or incentives should be~~

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~~approved as requested, modified in a manner consistent with this section and applicable State law, or denied.~~

~~(2) Board of Supervisors Review.~~

- ~~i. Following a recommendation by the Planning Commission, the Board of Supervisors shall hold a public hearing on a density bonus application that requests a concession or incentive involving the expenditure of city or community redevelopment funds, the provision of publicly-owned land, the approval of modifications to County development standards or requirements. Such hearing may be held concurrently with any other entitlements for the proposed housing development that require Board of Supervisors approval.~~
- ~~ii. The Board of Supervisors may approve, conditionally approve, or deny such an application by resolution, provided that a resolution denying the application shall include one or both of the findings required by section (E)(1)(iv).~~

~~Sec. 20.152.035 Density Transfer.~~

~~Density Transfer on one ownership shall only be allowed as follows:~~

From Agriculture	To Rangeland, Forestland (not in TPZ) Remote Residential
Rangeland Forestland	Forestland (not in TPZ), Remote Residential Rangeland, Remote Residential

~~Sec. 20.152.040 Supportive and Transitional Housing.~~

~~Upon issuance of an Administrative Permit, in accordance with Chapter 20.192, Supportive and Transitional housing shall be permitted and held to the same development standards as any other like-type residential use in the same zoning district provided:~~

- ~~1) Supportive housing is linked to on or off site services to assist the occupant(s) in retaining housing, improving his/ her health status and maximizing his/ her ability to live and work in the community, as defined in Section 50675.14 of the California Health and Safety Code, without limits on length of stay.~~
- ~~2) Transitional housing is rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted-living unit to another eligible occupant at some predetermined future point in time, which shall be no less than six (6) months and no more than twenty four (24) months, as defined in Section 50675.2 of the California Health and Safety Code.~~

CHAPTER 20.160 COTTAGE INDUSTRIES

Sec. 20.160.005 Declaration.

It is the intent of this Chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this Chapter.

Sec. 20.160.010 Permit.

- (A) Cottage industries are permitted upon issuance of an ~~Administrative Minor Use~~ Permit.
- (B) ~~A use permit~~An administrative permit for a Cottage Industry may be granted for an unlimited period of years, unless the Zoning Administrator determines that a shorter period is more appropriate to ensure conformance with the intent and standards of this Section or other applicable requirements.
- (C) Findings of compatibility must be made before the ~~use-administrative~~ permit is granted.

Sec. 20.160.015 General Standard.

- (A) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.
- (B) The use is environmentally sound regarding the project site and region.
- (C) No additional service demands will be created by the use.

Sec. 20.160.020 Specific Standards for Cottage Industries—Limited.

Cottage Industries—Limited shall conform to the following requirements:

- (A) Not more than two (2) employees working on the premises in addition to the members of the family residing on the premises;
- (B) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes;
- (C) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed one thousand (1,000) square feet;
- (D) All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials, products or vehicles as specifically provided by the ~~use-administrative~~ permit when completely screened from the street and adjoining properties. There shall be no other change in the outside appearance of the building or premises, except one (1) nonilluminated sign not exceeding four (4) square feet;
- (E) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
- (F) Not more than ten (10) customers or clients shall come to the premises during any one (1) day. Not more than three (3) delivery vehicles shall access the premises each day;
- (G) Large vehicles or construction equipment (such as trucks of over one (1) ton rating) shall not be operated, maintained, or parked in public view in connection with a cottage industry, except to the extent customarily used by residents in the surrounding neighborhood on their own property. Not more than one (1) vehicle for servicing may be parked in public view;
- (H) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily

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generated by single-family residential uses in the neighborhood, nor shall noise exceed the one (1) or two (2) family residential standards in Appendix C at the property line.

Sec. 20.160.025 Specific Standards for Cottage Industries—General.

Cottage Industries—General shall conform to the following requirements:

- (A) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises;
- (B) The cottage industry shall be incidental and subordinate to the use of the premises for residential purposes;
- (C) Multiple uses are permitted within a cottage industry. The area occupied by all uses within the cottage industry, including storage, shall not exceed two thousand (2,000) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the ~~use-administrative~~ permit;
- (D) One (1) nonilluminated sign not to exceed four (4) square feet shall be permitted;
- (E) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
- (F) Not more than ten (10) customers or clients shall come to premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. The use and parking of large vehicles or construction equipment (such as trucks of over one (1) ton rating, or vehicles being repaired shall be regulated by the ~~use-administrative~~ permit;
- (G) No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the one (1) or two (2) family residential standards in Appendix ~~C-A~~ at the nearest off-site dwelling unit.

Sec. 20.160.030 Examples of Uses Permitted Upon Securing an Administrative ~~Minor Use~~ Permit.

- (A) The following uses may be conducted as Cottage Industries—Limited in the S-R, RR-1, RR-2, R-C, and C-1 Districts, subject to securing an Administrative ~~minor use~~ permit and compliance with the criteria in Section 20.160.020:

- Administrative and business offices;
- Animal sales and services—household pets;
- Automotive and equipment—repairs, light;
- Building maintenance services;
- Business equipment sales and services;
- Custom manufacturing;
- Food and beverage preparation—without consumption;
- Mail order businesses;
- Medical services;
- Personal services;
- Repair services, consumer.

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- (B) The following uses may be conducted as Cottage Industries—General in the RR-5, RR-10, U-R, A-G, R-L, F-L and T-P zoning districts, subject to securing an Administrative ~~minor-use~~ permit and compliance with the criteria in Section 20.160.025:

- Administrative and business offices;
- Agricultural sales and services;
- Animal sales and services—household pets;
- Automotive and equipment—repairs, light;
- Automotive and equipment—repairs, heavy;
- Building maintenance services;
- Business equipment sales and services;
- Construction sales and services;
- Custom manufacturing;
- Food and beverage preparation—without consumption;
- Forest production and processing—commercial woodlots;
- Mail order businesses;
- Packing and processing—all types;
- Personal services;
- Repair services, consumer.

Sec. 20.160.035 Conflict Resolution.

Where a use permitted in this chapter is permitted in a zoning district without the necessity of obtaining an Administrative ~~use~~ permit the regulations of the zoning district shall apply.

CHAPTER 20.164 ACCESSORY USE REGULATIONS

Sec. 20.164.005 Declaration.

It is the intent of this Chapter to establish the relation among the principal and accessory uses and the criteria for regulating accessory uses.

Sec. 20.164.010 Accessory Uses Encompassed by Principal Use.

- (A) In addition to the principal uses expressly included in the zoning districts such use types shall be deemed to include such accessory uses which are specifically identified by these accessory use regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director of the Department of Planning and Building Services to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the administrative appeal procedure commencing at Section 20.208.005.
- (B) An accessory structure may be constructed prior to construction of the main structure on the premises; provided that the structure shall not be used for temporary or permanent occupancy as a residence, without compliance with Section 20.168.025(B) (Construction Support).
- (C) An accessory use may be allowed on the same parcel as the principal use, or on an adjacent parcel in the same ownership as the parcel which has an established principal use.

Sec. 20.164.015 Residential and Agricultural Use Types.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where residential and agricultural use types are permitted:

- (A) Private garages. See setback exceptions in Section 20.152.015(F).
- (B) Children's playhouses, patios, porches, decks, gazebos, etc. See setback exceptions in Sections 20.152.015(F) and (G).
- (C) Radio and television receiving antennas. See height exceptions in Section 20.152.025.
- (D) Windmills. See height exceptions in Section 20.152.025.
- (E) Silos.
- (F) Shops (nonbusiness purposes).
- (G) Barns. See setback exceptions in Section 20.152.015(H).
- (H) Private swimming pools and hot tubs ~~(not subject to setback requirements in the side or rear yards of any district).~~ See setback exceptions in Section 20.152.015(E).
- (I) Guest Cottage. One (1) guest cottage is permitted for each legal parcel. In lieu of a guest cottage a detached bedroom may be substituted.
- (J) Detached Bedrooms. Not more than two (2) detached bedrooms are permitted upon each parcel. If a guest cottage is constructed, the guest cottage and one (1) detached bedroom may be constructed instead of the two (2) detached bedrooms.
- ~~(K)~~ Accessory Dwelling Unit. One Accessory Dwelling Unit per parcel, provided no Second Residential Unit pursuant to Section 20.164.015(T) exists on the parcel, nor a building permit granted and valid for the construction of a Second Residential Unit and subject to any additional

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requirements of Chapter 20.166. An accessory dwelling unit shall be permitted in all zoning districts which allow single-family dwellings subject to the following standards and criteria:

- ~~(1) The lot contains an existing single-family dwelling unit or a building permit for the single-family dwelling unit (primary residence) has been applied for.~~
- ~~(2) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.~~
- ~~(3) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.~~
- ~~(4) The accessory dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the second residential unit is located. Total area of floor space for a detached accessory dwelling unit may not exceed one thousand two hundred (1,200) square feet. Increased floor area of an attached accessory dwelling unit does not exceed fifty (50) percent of the existing living area, with a maximum increase in floor area of one thousand two hundred (1,200) square feet.~~
- ~~(5) The accessory dwelling unit shall comply with appropriate local building code requirements. Fire sprinklers, however, shall not be required in an accessory unit if they are not required in the primary residence.~~
- ~~(6) (6) — An accessory dwelling unit shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit) is located on the parcel, or if there currently exists two (2) accessory residential units (any combination of guest cottages and detached bedrooms) on the parcel.~~
- ~~(7) Where dwelling group or parcel clustering is approved, no accessory dwelling unit shall be allowed.~~
- ~~(8) Nothing in this Section shall prohibit a detached bedroom, guest house or family care unit from being converted into an accessory dwelling unit, consistent with the other provisions of this Section.~~
- ~~(9) Accessory Dwelling Units may be either attached to the existing dwelling or they may be detached, separate structures.~~
- ~~(10) Attached or detached accessory dwelling units are not intended for sale but may be rented.~~
- ~~(11) Parking Requirements:
 - ~~a. — One (1) parking space is required per Accessory Dwelling Unit and may be provided through tandem parking.~~
 - ~~b. — Parking is allowed in rear and side setback areas. No parking is allowed in front setback areas.~~
 - ~~c. — When a garage or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the replacement parking spaces may be located in any configuration on the same lot as the Accessory Dwelling Unit, including but not limited to covered spaces, uncovered spaces, or tandem spaces.~~~~
- ~~(12) Parking Exemptions. Parking requirements are not applicable for Accessory Dwelling Units in any of the following instances:
 - ~~a. — Located within one-half (½) mile of a public transportation stop along a prescribed route according to a fixed schedule.~~
 - ~~b. — Located within one (1) block of a car share parking spot.~~~~

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- ~~e.~~ Located entirely within the principal residence and results in no net increase in habitable floor area on the property.
 - ~~d.~~ Located in an area where on-street permit parking is required, but such permits are not available to the tenant.
 - ~~e.~~ Located within a designated historic district.
- ~~(L)~~(K) Room and Board. The renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit, provided the parcel has frontage on a publicly maintained road. A ~~Major~~ Use Permit is required if the parcel does not have frontage on a publicly maintained road.
- ~~(M)~~(L) Travel Trailer or Camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes. In any S-R, R-1, R-2, R-3, RR-1 or R-C residential parcel, no motor vehicle over three-quarter (¾) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two (72) hours.
- ~~(N)~~(M) Home Occupations. Subject to Chapter 20.156.
- ~~(O)~~(N) Household Pets. The keeping of dogs and cats and other household pets, but not including kennels.
- ~~(P)~~(O) Roadside Sales of Agricultural Products. Operation of a single roadside stand for a display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by this Division, provided that the stand does not exceed an area of two hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway, and provided further that such stands shall be permitted only in the S-R, R-R, A-G, U-R, R-L, F-L, and T-P districts.
- ~~(Q)~~(P) Wild Animal Keeping. The keeping of not more than one (1) wild animal for which a Wild Animal Permit is required and has been issued pursuant to Title 14 of the California Administrative Code.
- ~~(R)~~(Q) Other Necessary and Customary Uses. Accessory nonresidential uses and nonresidential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director of the Department of Planning and Building Services.
- ~~(S)~~(R) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property. In any S-R, R-1, R-2, R-3, RR-1 or R-C residential parcel, no motor vehicle over three-quarter (¾) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two (72) hours.
- ~~(S)~~ Family Care Home-Second Residential Unit. One (1) second residential unit is permitted for each legal parcel in all zoning districts which allow single-family dwellings subject to the following standards and criteria:
- ~~(1)~~ The lot contains an existing single-family dwelling or a building permit for a single-family dwelling has been applied for.
 - ~~(2)~~ An adequate water system and adequate sewage disposal system, as approved by the Division of Environmental Health, is available to serve the second residential unit.
 - ~~(3)~~ No Accessory Dwelling Units pursuant to section 20.164.015(K) and Chapter 20.166 exist on the parcel nor a building permit granted and valid for construction of one. This limitation does not apply to Junior Accessory Dwelling Units.

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- ~~(4) The proposed second residential unit complies with the height, setback, lot coverage, off-street parking, and other zoning requirements for the zone in which the second residential unit is located.~~
- ~~(5) The second residential unit may be attached or detached from the single-family dwelling.~~
- ~~(4)(6) The second residential unit may be rented but is not intended for sale.~~
- ~~(T) Farm Employee Housing. Upon issuance of an Administrative Permit, farm employee housing shall be permitted in the A-G, R-L, F-L and T-P zoning districts subject to the provisions of Chapters 20.008 and 20.016.~~
- ~~(U) Day Care Home - Small Family.~~
- ~~(V) Day Care Home - Large Family. Upon issuance of an Administrative Permit, a home providing day care for children under eighteen (18) years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Notice of a pending permit for such a facility shall be provided per the Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division.~~
- ~~(W)(T) Junior Accessory Dwelling Unit. Subject to Chapter 20.166. A living space not to exceed five hundred (500) square feet in size and contained entirely within an already permitted single family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. JADUs are subject to the following standards and criteria:
 - ~~(1) Only one (1) JADU is permitted per residential lot and the owner of the lot must reside on-site.~~
 - ~~(2) A Junior Accessory Dwelling Unit shall not be sold, and rentals for terms shorter than thirty (30) days shall be prohibited.~~
 - ~~(3) A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained.~~
 - ~~(4) The JADU may share a bath with the primary residence or have its own bath.~~
 - ~~(5) The permitted junior accessory dwelling unit is required to include an efficiency kitchen.~~
 - ~~(6) For the purposes of fire and life protection ordinances and regulations, the JADU is to be considered part of the single-family residence, and therefore would be allowed in addition to a primary Single Family Dwelling, 'Accessory Dwelling Unit', and 'Guest Cottage'/'Detached Bedroom' accessory residential structure allotment.~~
 - ~~(7) JADU Deed Restriction. Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit, which shall run with the land, and be binding upon any future owners, heirs, or assigns.~~~~

Sec. 20.164.020 CivilCivic, Commercial, Industrial or Extractive Use Types.

- (A) Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where these use types are permitted.
- (B) **Accessory Recycling.** The recycling of recyclable materials may be permitted as an accessory and incidental use as follows:
 - (1) Storage containers or processing activities located on the premises of a commercial, industrial or civic use when used solely for the recycling of recyclable material generated

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by such use, accepted in trade for new, used or rehabilitated materials, or customarily accepted for recycling by the particular use.

- (2) Refuse disposal sites may include recycling facilities and resource recovery as accessory uses.

***NEW!* CHAPTER 20.166 ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS**

Sec. 20.166.005 Purpose and Intent.

This chapter establishes regulations and a ministerial review process for Accessory Dwelling Units (ADU). Accessory dwelling units are intended to expand housing opportunities by increasing residential units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

Sec. 20.166.010 Applicability.

This chapter applies to all accessory dwelling units and Junior Accessory Dwelling Units (JADU) as defined. Accessory dwelling units and junior accessory dwelling units are permitted by right in any zoning district which permits single-family or multi-family homes and do not exceed allowable density for the lot upon which it is located.

Sec. 20.166.015 Permits and Approval.

- (A) Ministerial Action. Approval or denial of an accessory dwelling unit or junior accessory dwelling unit is a ministerial action and subject to compliance with the standards in this chapter and all other applicable codes.
- (B) Building Permit. All accessory dwelling units or junior accessory dwelling units shall require a building permit, subject to all the standard application and processing fees and procedures that generally apply to building permits. No other planning-related permit is required.
- (C) Issuance of Permit. The County shall issue a building permit within sixty (60) calendar days from the date on which the County received a completed application, unless either:
 - (1) The applicant requests a delay, in which case the sixty (60) -day time period is put on hold for the period of the requested delay; or
 - (2) The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with an application to create a new single-family dwelling unit on the parcel. The County may delay acting on the accessory dwelling unit or junior accessory dwelling unit application until such time as the new single-family dwelling unit is approved.
 - (3) If the County has not approved or denied the completed application within 60 days, the application shall be deemed approved.
- (D) The County shall not deny an application for a permit to create an accessory dwelling unit or junior accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit.

Sec. 20.166.020 Types of Accessory Dwelling Units.

- (A) Attached Accessory Dwelling Unit. An accessory dwelling unit that is attached to an existing or proposed primary dwelling including attached garages, storage areas or similar uses, such as through a shared wall, floor, or ceiling. An attached accessory dwelling unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling which includes an accessory dwelling unit, or by constructing an addition to an existing primary dwelling. See Figure 20.166-A below.
- (B) Detached Accessory Dwelling Unit. An accessory dwelling unit that is physically detached or separated from the primary dwelling. A detached accessory dwelling unit includes a second-story addition above an existing detached structure. A detached accessory dwelling unit can be new construction or the conversion or expansion of an existing accessory structure. See Figure 20.166-A below.

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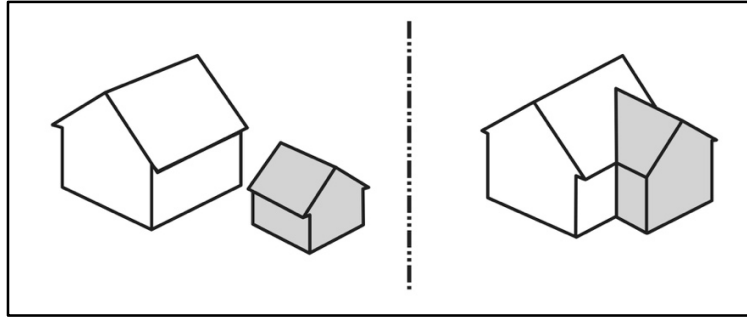


Figure 20.166-A – Accessory Dwelling Unit (Detached and Attached)

Accessory Dwelling Units can be detached from (left) or attached to (right) the primary unit.

- (C) Junior Accessory Dwelling Unit. An attached accessory dwelling unit that is a unit that meets the following criteria:
- (1) Maximum of five hundred (500) square feet in size.
 - (2) Contained entirely within the existing footprint or area of a single-unit primary dwelling, including any attached garage, storage areas or similar uses (see illustration below).

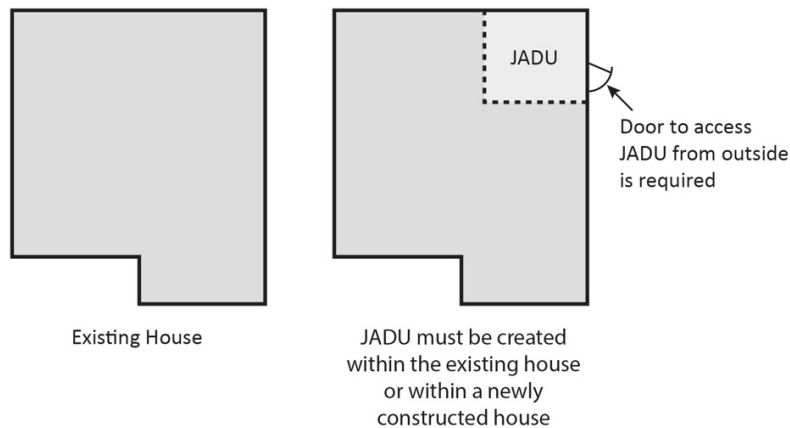


Figure 20.166-B – Junior Accessory Dwelling Unit

- (3) Has a separate entrance from the main entrance to the primary dwelling.
- (4) Has a bathroom either in the JADU itself or in a portion of the primary dwelling the resident of the JADU has full access to.
- (5) Includes an efficiency kitchen.

Sec. 20.166.025 Number of Accessory Dwelling Units and Junior Accessory Dwelling Units on Lots or Parcels which allow Single Family Homes.

The following limits on the number of accessory dwelling units allowed on a lot or parcel apply in all zoning districts that in any zoning district which permits single-family or multi-family homes:

- (A) One attached or detached accessory dwelling unit shall be allowed on a parcel, provided that no Second Residential Unit pursuant to Section 20.164.015(T) exists on the parcel, and that no building permit has been granted and has not expired for the construction of a Second Residential Unit.
- (B) In addition to an accessory dwelling unit or Second Residential Unit, one junior accessory dwelling unit shall be allowed on a parcel.

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Sec. 20.166.030 Development Standards

- (A) Attached Accessory Dwelling Units.
- (1) Location. Shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit).
 - (2) Size. The total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the existing or proposed primary dwelling unit. Unless constructed in compliance with provisions of section 20.166.040.
 - (3) Setbacks.
 - (a) Front yard setback: Per the zoning district standard for the primary dwelling. The Director shall modify or eliminate the front yard setback if it would prevent the construction of an Accessory Dwelling Unit of at least 800 square feet in size.
 - (b) Side yard: Four (4) feet.
 - (c) Rear yard: Four (4) feet.
 - (4) Height. Per the zoning district standard for the primary dwelling.
 - (5) Access. An attached accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.
 - (6) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (7) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (8) See section 20.166.035 for parking requirements.
 - (9) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (B) Detached Accessory Dwelling Units.
- (1) Location. Shall be located on the same lot or parcel as an existing or proposed primary dwelling unit.
 - (2) Size. A detached accessory dwelling unit shall not exceed twelve hundred (1,200) square feet in size, unless constructed in compliance with the provisions of section 20.166.040.
 - (3) Setbacks. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. An accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure, shall comply with the following setback requirements:
 - (a) Front yard setback: Per the zoning district standard for the primary dwelling. The Director shall modify or eliminate the front yard setback if it would prevent the construction of an Accessory Dwelling Unit of at least 800 square feet in size.
 - (b) Side yard: Four (4) feet.
 - (c) Rear yard: Four (4) feet.
 - (4) Height. Per the zoning district standard for the primary dwelling.

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- (5) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (6) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (7) See section 20.166.035 for parking requirements.
 - (8) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (C) Junior Accessory Dwelling Units.
- (1) Location. Shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling.
 - (2) Size. Maximum of five hundred (500) square feet of living area.
 - (3) Setbacks. Setbacks shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by Fire or Building codes on a case-by-case basis.
 - (4) Access. A junior accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling. If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
 - (5) Kitchen. Each junior accessory dwelling unit shall include an efficiency kitchen.
 - (6) Utilities.
 - (a) Whether built as part of a new dwelling or converted from space in an existing dwelling, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or County charges for utilities, including water, sewer, power service, or impact fees.
 - (b) No new or separate utility connection between the junior accessory dwelling unit and the utility shall be required, although the property owner may voluntarily install a submeter for the junior accessory dwelling unit.
 - (c) Any utility charges or fees shall be consistent with state law.
 - (7) Parking. No additional off-street parking is required for the junior accessory dwelling unit.
 - (8) Owner Occupancy Requirements for Junior ADUs.
 - (a) The owner of the lot must reside on-site. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - (b) A Junior Accessory Dwelling Unit shall not be sold, and rentals for terms shorter than thirty (30) days shall be prohibited.
 - (c) Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

Sec. 20.166.035 Required Parking

- (A) One off-street parking space, covered or uncovered, is required for each attached and detached accessory dwelling unit. However, no off-street parking space is required for an attached or detached accessory dwelling unit if one or more of the following applies:

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- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
 - (2) When on-street parking permits are required by the County but not offered to the occupant of the accessory dwelling unit.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence.
 - (4) The accessory dwelling unit is the conversion of an existing accessory structure.
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
 - (6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot.
 - (7) When the accessory dwelling unit is located within an architecturally and historically significant historic district.
- (B) No off-street parking is required for a junior accessory dwelling unit.
- (C) Required off-street parking for an accessory dwelling unit space may be located in setback areas or provided as tandem parking, including on a driveway.
- (D) Parking lost when a garage, carport, or covered parking structure is demolished to allow for the construction of an accessory dwelling unit or for the conversion of a structure to an accessory dwelling unit shall not be required to be replaced.

Sec. 20.166.045 Conversion of a Single-Family Dwelling or Accessory Structure

The types of accessory dwelling units provided for in this section shall not be required to comply with the development standards included in sections 20.166.030 and 20.166.035 and shall only be rented for a term longer than 30 days. Prior to obtaining a building permit for an accessory dwelling unit pursuant to this section, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include a restriction that the accessory dwelling unit only be rented for a term longer than 30 days, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

- (A) One accessory dwelling unit and one junior accessory dwelling unit is allowed per lot within a proposed or existing single-family dwelling or accessory structure if in compliance with the following:
- (1) If located in an accessory structure, an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure for the purposes of providing ingress and egress is proposed.
 - (2) If located in a proposed or existing single-family dwelling, the space to be used for the accessory dwelling unit has exterior access from the proposed or existing single-family dwelling.
 - (3) The side and rear setbacks are sufficient for fire and safety.
 - (4) The junior accessory dwelling unit complies with the requirements of section 20.166.030(C).
- (B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in paragraph (A).
- (C) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. One accessory dwelling unit shall be allowed within a multifamily dwelling and up to 25 percent of the existing multifamily dwelling units.

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- (D) Up to two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and rear and side yard setbacks of no more than four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit pursuant to this paragraph (D).
- (E) The installation of fire sprinklers shall not be required in an accessory dwelling unit described pursuant to paragraphs (A) through (D) if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

Sec. 20.166.045 Sale of Accessory Dwelling Units or Junior Accessory Dwelling Units

An accessory dwelling unit or junior accessory dwelling unit may be sold in conformance with Government Code section 66341.

CHAPTER 20.168 TEMPORARY USE REGULATIONS

Sec. 20.168.005 Declaration.

The purpose of this Chapter is to establish permitted temporary uses and standards and conditions for regulating same. Because of the temporary nature of the uses they are not subject to the General Plan with respect to permitted uses or densities.

Sec. 20.168.010 Identification of Permitted Temporary Uses.

The following temporary uses shall be permitted as specified by these regulations:

- (A) **Entertainment Events or Religious Assembly.** The temporary gatherings of people for a circus, carnival, concert, lecture, art or antique show or religious purposes.
- (B) **Construction Support.** Temporary building and structures supporting residential development and major construction.
- (C) **Uses in New Subdivisions.** Temporary uses in new major or parcel subdivisions which support the sale of dwellings and lots within the same subdivision.
- (D) **Camping.** The temporary camping on a parcel by an owner or nonpaying guests thereof.
- (E) **Use of a Trailer Coach.** Temporary use of a trailer coach for certain purposes.
- (F) **Family Care Unit.** The temporary use of a building, structure or trailer coach, upon issuance of an administrative permit, to provide housing for (a) one (1) adult or two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) an immediate family member or members providing necessary daily supervision and care for the person or persons residing in the main residence.
- (G) **Use of a Portable Sawmill.** The temporary use of a small portable sawmill for the milling of lumber to be used in the construction of a structure on the same premises.
- (H) **Food Trucks/Mobile Food Vendors.** The operation of a food truck in a fixed location for more than four hours.

Sec. 20.168.015 Temporary Uses Subject to Controls.

Temporary uses shall be subject to all regulations as would be applied to a permitted principal or accessory use located in the same zone, except as otherwise provided by these regulations.

Sec. 20.168.020 Entertainment Events or Religious Assembly.

The temporary gathering of people for a circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious purposes or other similar activities may be permitted upon the issuance of a permit in compliance with the following provisions:

- (A) **Location.** A circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities may be permitted in any zone except R-1 and R-2.
- (B) **Duration.** The period of operation of the circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities shall not exceed five (5) days in any six (6) month period.
- (C) **Permits.** All permit applications for temporary events shall be submitted a minimum of six (6) months prior to the event date(s).
 - (1) Gatherings of one hundred (100) to one thousand (1,000) persons shall be required to obtain an administrative permit.

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- (2) Gatherings of over one thousand (1,000) persons shall be required to obtain a ~~minor~~-use permit.
- (D) The requirements of this Section shall not be intended to supersede provisions in Mendocino County Code Chapter 6.16.
- (E) **Exclusions.** The provisions of this Section are not intended to include or regulate private gatherings such as weddings, housewarmings, family gatherings, barbeque, etc.

Sec. 20.168.025 Construction Support.

The temporary occupancy for residential use of buildings during course of construction.

- (A) **Major Construction.** Temporary buildings during the construction phase for commerce, industry or five (5) or more dwelling units to allow the housing of tools, equipment building assembly operations and supervisory offices provided such temporary buildings are located within or adjacent to the development or construction site to which they are incidental regardless of the zoning district.
- (B) **Minor Construction.** Temporary use and occupancy of an existing dwelling while constructing a new residence, subject to the requirements of Chapter 20.192 (Administrative Permits).

Sec. 20.168.030 Uses in New Subdivisions.

Upon the review and approval of a site plan by the Director of the Department of Planning and Building Services and the provisions of this Section, certain temporary uses as specified herein may be established within a major or parcel subdivision for which a map has been recorded or in conjunction with an individual multiple dwelling or multiple dwelling complex solely for the marketing of dwellings, lots, and/or mobilehome spaces in the same residential development.

- (A) **Permitted Uses.** The following temporary uses may be permitted in conformance with the following standards:
 - (1) Model homes in a number not to exceed that necessary to provide one (1) example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded map; meet all setback requirements of the applicable zone; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.
 - (2) Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings, lots, and/or mobilehome spaces, which are located only within the same residential development or subdivision.
 - (3) Off-street parking facilities.
- (B) **Site Plan Review Criteria.** No use authorized by this Section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.
- (C) **Site Plan Content.** The site plan shall contain such maps and drawings as are necessary to show the location of the above temporary uses and their relation to off-street parking, vehicular and pedestrian access, and the surrounding area.
- (D) **Building Permits.** Prior to the issuance of building permits for the temporary uses in Subsection (A) of this Section, the following conditions shall be met:
 - (1) A parcel or final map has been recorded for the parcel or major subdivision.
 - (2) The site plan must be submitted to and approved by the Director.

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- (3) Necessary sanitary facilities must be provided as required by the Director of Public Health.
- (E) **Termination.** All temporary uses permitted by this Section shall be terminated not later than twenty-four (24) months after issuance of building permits therefor, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said twenty-four (24) months. All temporary uses and related improvements other than model homes shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces.

Sec. 20.168.035 Camping.

The use of real property, by the owner or nonpaying guests thereof, for temporary camping may be permitted in compliance with the following provisions:

- (A) **Location.** Temporary camping may be permitted only in the R-R, U-R, A-G, R-L, F-L and T-P zoning districts.
- (B) **Duration.** The maximum time limit for temporary camping shall not exceed sixty (60) days in any six (6) month period.
- ~~(C)~~ **Permits.** An Administrative Permit shall be required for temporary camping in excess of the Exclusions provided in 20.168.035(D).
- ~~(D)~~ **Intensity.** Not more than thirty (30) individuals or more than ten (10) tents or recreational vehicles may be on a site at any one time. Tents or recreational vehicles etc. shall not be blocked up or placed upon any permanent foundation and shall not be connected to any utility such as water, gas or electricity. Tents or recreational vehicles etc. not in use shall be removed from the site.
- ~~(E)~~ **Exclusions.** Temporary camping, whether sheltered or not sheltered, shall be exempt from the provisions of this Section provided the activity meets the following conditions:
 - ~~(1)~~ Camping activities shall not exceed the There shall be no more than a combination of (10) tents, recreational vehicles, trailer coaches, and/or vehicles
 - ~~(2)~~ Camping activities shall not exceed a period of fourteen (14) days, consecutively or non-consecutively, within a six (6) month period.
 - ~~a.~~ For the purposes of this section, the term "days" is defined as calendar days, to which the real property is being used or occupied between the hours of 7 pm and 7 am.
 - ~~(4)(3)~~ For each day, the presence of tents, recreational vehicles, trailer coaches, vehicles, sleeping or bedding materials, cooking apparatuses, generators, portable toilets, campfire rings or the connections to electrical, water, gas, or sewage shall constitute prima facie evidence of the use or occupancy of real property for the purposes of camping. Temporary camping utilizing ten (10) or less tents or recreational vehicles for fourteen (14) days or less in any six (6) month period shall be exempt from the provisions of this Section.

Sec. 20.168.040 Use of a Trailer Coach.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

- (A) **Real Estate Office.** A temporary real estate office upon issuance of an Administrative Permit when the trailer coach is located on a lot or parcel of land adjacent to the development to which such real estate office is incidental.

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- (B) **Mobile Financial Business Office.** A temporary self-propelled, self-contained mobile financial business office upon issuance of an Administrative Permit, for a period not to exceed five (5) years.
- (C) **Occupancy While Constructing a Dwelling.** The installation, use and occupancy of a trailer coach, upon issuance of an Administrative Permit, as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling under construction or for which a building permit has been issued. Such administrative permit may be issued for the period required to complete construction of the dwelling, but not to exceed two (2) years unless renewed.
- (D) **Temporary Caretaker Housing.** The installation, use and occupancy of a trailer coach; upon issuance of an Administrative Permit, as a temporary dwelling by a caretaker in association with a park, recreational facility or similar use which is under private ownership but open for public use.
- (E) **Emergency Shelter.** The installation, use and temporary occupancy of a trailer coach for emergency shelter, upon issuance of an Administrative Permit, subject to the following requirements:
 - (1) The term shall not exceed sixty (60) days ~~and shall not be renewed or extended~~ but may be renewed or extended upon approval by the Director.
 - (2) The applicant shall substantiate that the use is required to prevent homelessness or secure safe temporary housing, and that the household is actively seeking alternate housing which may include other emergency or transitional housing.
 - (3) The trailer coach shall not be blocked up or placed on a permanent foundation, or connected to any utility such as water, gas or electricity.
 - (4) Provision shall be made for sewage disposal and potable water to the satisfaction of the Mendocino County Division of Environmental Health.
 - (5) Upon termination of the Administrative Permit, the trailer coach shall cease to be occupied and its use shall conform to this Division.

Sec. 20.168.045 Family Care Unit.

The temporary use of a building, structure or trailer coach, upon issuance of an administrative permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

- (A) **Administrative Permit.** The temporary unit shall be allowed only after securing an annually renewable Administrative Permit. Said permit may be administratively renewed after original securance.
- (B) **Statement.** Prior to the granting of the administrative permit and yearly renewal:
 - (1) A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for not more than two (2) adult persons who are sixty (60) years of age or older, (2) an immediate family member or members who requires daily supervision and care, or (3) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
- (C) **Termination.** Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.164. Should the occupants of the family care unit or the main residence move to another off-site residence, the administrative permit for the family care unit shall become null and void.

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Sec. 20.168.050 Portable Sawmill.

A small portable sawmill may be set up and operated as an accessory use on property for the milling of lumber to be used in the construction of a structure on the same property. The mill may be operated only for the duration of the construction project and must be removed from the property or placed in dead storage and not operated once the structure is completed. Raw material for the mill may be produced on the premises or imported from off-site sources. None of the limitations contained in Section 20.032.045(D) shall apply to the operation of a portable mill as an accessory use to a construction project as provided in this Section. The following limitations shall apply to this temporary use:

(A) The mill operation shall have a maximum term of six (6) months, however, an extension for up to six (6) additional months may be authorized in writing by the Department of Planning and Building Services.

(B) Hours of operation shall be limited to eight a.m. to five p.m. on weekdays and Saturdays.

(Ord. No. 4038 (part), adopted 1999)

Sec. 20.168.060 Food Trucks/Mobile Food Vendors.

Food trucks may operate in fixed locations or at any given location for more than four hours after obtaining an Administrative Permit. A single Administrative Permit may be issued to one food truck to allow it to operate in up to four (4) locations. The following standards apply to the operation of food trucks:

(A) Food trucks shall operate with all required health and other permits as required by Mendocino County Code and other applicable state and local regulations.

(B) Food trucks and any associated improvements or accessories (such as picnic tables or seating) shall not occupy parking which is required to meet the needs of permanent uses on the parcel.

(C) Food trucks shall never be located in a place that blocks vehicle circulation or emergency access.

(D) Restroom and other facilities shall be provided as required by the Division of Environmental Health.

(E) Food trucks shall be parked safely and out of the public right-of-way.

(A)(F) **Exclusions.** If a permit for an entertainment event or religious assembly pursuant to Section 20.168.020 specifies the location(s) and number of food trucks to be operated during the event, no separate Administrative Permit is required for the food trucks.

***NEW!* CHAPTER 20.170 MOVEABLE TINY HOMES**

Sec. 20.170.005 Declaration.

The purpose of this Chapter is to provide regulations for the alternative housing type known as Moveable Tiny Homes, as defined in Chapter 20.008. This Chapter does not apply to recreational vehicles or travel trailers.

Sec. 20.170.010 Permitted Locations.

Moveable Tiny Homes may be established as a single-family dwelling, accessory dwelling unit and/or second residential unit in all zoning districts that allow residential dwellings and/or accessory uses, subject to the limitations contained in this Chapter.

Sec. 20.170.015 Development and Design Standards.

(A) Development Standards.

- (1) Height. A Moveable Tiny Home shall have a maximum height of fourteen (14) feet when being towed, per California Vehicle Code section 35250.

Moveable Tiny Homes may exceed fourteen (14) feet in height when the Moveable Tiny Home is placed on a lot and is not being actively towed.

The overall height of a Moveable Tiny Home when it is in place and not mobile shall comply with the applicable standards for the zone in which the Moveable Tiny Home is located.

- (2) Setbacks. A Moveable Tiny Home shall comply with the development standards of the zoning district in which it is located. If the Moveable Tiny Home is used as an Accessory Dwelling Unit pursuant to Section 20.164.015(K) and Chapter 20.166, setback exceptions specified in Chapter 20.166 apply.
- (3) Minimum and Maximum Size.
 - (a) Minimum size: 150 gross square feet.
 - (b) Maximum size: 400 gross square feet.
- (4) Number of Moveable Tiny Homes Allowed. The number of Moveable Tiny Homes permitted on a lot or parcel as a primary dwelling unit shall be in accordance with the standards of the zoning district in which the moveable tiny home(s) is located. Moveable Tiny Homes used as Accessory Dwelling Units or Second Residential Units shall not count toward maximum density, per the standards of this Code.
- (5) Parking. Moveable Tiny Homes shall be subject to the same parking requirements as other residential dwelling units or Accessory Dwelling Units.

(B) Design. A Moveable Tiny Home shall maintain a residential appearance through the following design standards.

- (1) Skirting. The undercarriage, including wheels and axles, shall be hidden from view with a solid wood, metal, or concrete apron.

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- (2) Structure and Insulation: Insulation standards shall be a minimum of R-13 in walls and floors and R-19 in ceiling. Wall framing studs shall be sixteen to twenty-four (16-24 inches) on center, with a minimum of two by four (2x4) wood or metal studs or equivalent structural insulated panel (SIP) construction.
- (3) Foundation or Pad. An approved designated parking area of compacted all weather surface including bumper guards, curbs or other installations to prevent movement of the unit. A Moveable Tiny Home may rest on the wheels, or on stands anchored to the parking pad.
- (4) Materials. Materials for the exterior wall covering shall include material that would be allowed under the California Building Code.
- (5) Windows. Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- (6) Kitchen. A Moveable Tiny Home shall include at minimum an efficiency kitchen, as defined in Chapter 20.008. More extensive kitchen facilities may be installed but are not required.
- (7) Utility Connections. A Moveable Tiny Home shall be connected to an approved water source and waste disposal system as approved by the Division of Environmental Health. A Moveable Tiny Home may use on- or off-grid electricity and may use propane for heating and cooking. Generators are prohibited except when needed in emergencies. All Moveable Tiny Homes shall have a GFI shutoff breaker.

Sec. 20.170.020 Applicable Codes.

- (A) Moveable Tiny Homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. All units must be inspected and certified for compliance with the requirements of this ordinance and ANSI or NFPA codes by a qualified third-party inspector for ANSI compliance accredited pursuant to either the American Society for Testing and Materials Appendix E541, or ISO/IEC 17020. All Moveable Tiny Homes shall display a sticker or plaque designating the unit as in compliance.
- (B) Moveable Tiny Homes shall be licensed and registered with the California Department of Motor Vehicles.

Sec. 20.170.025 Inspections Required for Tiny Homes.

The Building Official shall perform the following inspections when a Moveable Tiny Home is placed in a static location for use as a residential structure:

- (A) All utility connections shall be inspected for compliance with applicable codes.
- (B) The Building Official shall verify that a sticker or plaque verifying compliance with ANSI 119.5 or NFPA 1192 is in place.

Sec. 20.170.030 Regular Fire Inspection Required.

Moveable Tiny Homes require an inspection by a qualified third-party inspector for continued compliance with the provisions of ANSI 119.5 or NFPA 1192 every five (5) years to ensure that the units continue to meet requirements of the fire safety standards of the ANSI or NFPA Code to which it was built and requirements of this section. Evidence of the inspection shall be submitted to the Department of Planning and Building Services.

CHAPTER 20.172 MOBILE HOMES AND MOBILE HOME PARKS

Sec. 20.172.005 Declaration.

The purpose and objective of this Chapter is to recognize mobile homes as a means of adding an alternative to the County's supply of housing and to set reasonable standards for the development of well-designed mobile home parks. ~~Mobile home parks whose density per mobile home space exceeds six thousand (6,000) square feet may not be subject to all regulations of this Chapter.~~

Sec. 20.172.010 Development Standards—Mobile Home Parks.

~~Prior to a mobile home park being deemed approved, a development plan shall be submitted to the Director of Planning and Building Services for his initial review at least ten (10) days prior to the formal filing of the use permit application.~~

Development may be approved in stages so long as each stage meets the standards of this Chapter. The minimum number of lots at the initial increment of development shall be ten (10) lots.

If the development is to be accomplished in stages, the development shall coordinate improvements of open space, and construction of buildings in order that each development phase achieves a proportionate share of the total open space and structural facilities requirement.

- (A) No mobile home park shall be established or used unless first approved by the granting of a ~~major~~-use permit requiring compliance with the following standards:
- (1) The site shall have a minimum area of three (3) acres.
 - (2) Each mobile home space shall be a minimum of fifty (50) feet wide and a minimum of eighty (80) feet deep. The allowance for four thousand (4,000) square feet lot within mobile home parks shall constitute an automatic density bonus ~~as specified in Section 20.152.030~~ and no additional density bonus shall be awarded.
 - (3) A minimum of two (2) parking spaces shall be provided for each mobile home space. A minimum of one (1) parking space shall be provided on the same lot as the mobile home and shall not be located in the front yard setback area.
 - (4) All utilities shall be placed underground.
 - (5) Each mobile home space shall contain a utility island containing the sewer, water and utility connections; said island, together with a typical mobile home pad, to be depicted in an enlarged plot plan.
 - (6) There shall be adequate areas within the mobile home park for refuse storage. Such refuse storage areas shall be screened by a six (6) foot solid fence, or by optional screening as approved by the Director of Planning and Building Services.
 - (7) All boats, campers, travel trailers, park maintenance vehicles and equipment, and similar large items shall be stored in an area set aside for such purposes on the approved plans. The minimum gross area shall be one hundred (100) square feet per mobile home lot.
 - (8) For each mobile home lot, there shall be provided a minimum of two hundred (200) square feet of usable common recreation area.
 - (9) A landscaping plan showing the treatment of open areas and recreation areas shall be submitted as a part of the use permit application. Landscape treatment shall be effectively used throughout the park.
 - (10) Adequate screening or fencing of acceptable design shall be provided around the entire park, in the exact type and adequacy to be determined by the Planning Commission.

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- (11) When a mobile home park abuts a public street, a planted strip having an average width of ten (10) feet shall be provided adjacent to said street. All landscaped areas shall be continually maintained.
 - (12) Sections of the mobile home devoted to families and those devoted to adults shall be clearly identified. Adequate recreational areas and facilities shall be provided to suit the needs of each said group, and a bus stop shall be provided for children.
 - (13) In addition to the usable common area, a community recreation center with a floor area of twenty (20) square feet per mobile lot shall be applied to mobile home parks having twenty (20) lots or more. Space devoted to administrative office, laundry, or nonrecreational uses may be developed in conjunction with the community center, provided, however, that such spaces shall not be attributed to required recreation space.
 - (14) Internal collector streets shall have a minimum width of thirty-two (32) feet with parking on one (1) side and forty (40) feet with parking on both sides. All other roadways shall be at least twenty-five (25) feet wide, curb-to-curb, and no parking shall be permitted on them.
 - (15) All roadways within a mobile home park shall be paved. Pavement design shall be based on an engineering analysis of the anticipated traffic loads and the quality of the subgrade soil to support traffic loads. Pavement shall consist of a minimum of two (2) inches of asphalt concrete over a minimum of four (4) inches of aggregate base placed on a suitably prepared subgrade. All roadways shall have concrete gutters on both sides. Street naming shall be consistent with County policy.
 - (16) A minimum of one (1) emergency exit shall be provided.
 - (17) A network of pedestrian walkways shall be provided leading to common recreational areas, service facilities, and circulation among the residential areas whenever possible.
 - (18) In addition to the regulations specified herein, all mobile home parks shall comply with the Uniform Building Code Title 25, Chapter 5.
- (B) The following plans and reports shall be submitted with the use permit application.
- (1) A lighting plan shall be submitted for all streets, walkways, and recreational and service areas.
 - (2) Plans showing the location, size, and height of all proposed signs shall be submitted with each mobile home proposal.
 - (3) A storm drain system shall be provided to accommodate runoff, both tributary to and originating within the mobile home park, and to transfer said runoff to a satisfactory point of disposal. Unless a waiver is granted by the Planning Commission or Board of Supervisors at the time the use permit is granted, the storm drain system shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the appropriate building official.
 - (4) A water and sewer feasibility report must be prepared by the applicant and accepted by the County Division of Environmental Health and a fire protection proposal approved by the appropriate agency before the application for a use permit is scheduled on the agenda of the Planning Commission.
 - (5) Detailed building elevations for all proposed buildings shall be provided.
 - (6) The location of all sewer systems, water storage tanks and similar facilities shall be depicted on a plot plan.

Sec. 20.172.015 Development Standards Individual Mobile Homes.

The following regulations shall apply to the placement of a mobile home on a lot not within a mobile home park.

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- (A) In the R-R, R-1, R-2, R-3, R-C, S-R, C-1 and C-2 Districts, mobile homes shall conform to the following regulations:
- (1) Be certified under the National Mobile Home Construction and Safety Standards Act of 1974;
 - (2) Has not been altered in violation of applicable codes;
 - (3) Be occupied only as a residential use type in compliance with all applicable regulations;
 - (4) Be subject to all provisions of this Division applicable to residential structures;
 - ~~(5) Have a minimum of seven hundred twenty (720) square feet;~~
 - (65) Have roof and siding of nonreflective material, except that crushed rock of any kind may be used for roof surfacing. The exterior cover material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (B) In the U-R, A-G, R-L, F-L and T-P districts, mobile homes shall conform to the following regulations:
- (1) Has not been altered in violation of applicable codes;
 - (2) Be occupied only as a residential use type in compliance with all applicable regulations;
 - (3) Be subject to all provisions of this Division applicable to residential structures;
 - (4) Exterior cover material (siding) shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior cover material need not extend below the top of the foundation.
- (C) Exemptions. Trailer coaches permitted for (1) temporary family care units (Section 20.168.045), (2) occupancy while constructing a dwelling (and other uses permitted in Section 20.168.040), ~~or~~ (3) ~~farm~~ employee housing (Section 20.016.~~045025~~), or (4) moveable tiny homes (Chapter 20.170) shall not be subject to the standards contained within this Chapter.

CHAPTER 20.176 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

Sec. 20.176.005 Declaration.

The purpose and objective of this Chapter is to recognize the value of the development of recreational vehicle parks and the development of incidental camping areas, for the benefit of the general public utilizing recreational vehicles and such parks and facilities.

Sec. 20.176.010 Principles.

Whenever an application is submitted to the County for a use permit or other entitlement for use for a recreational vehicle park, or incidental camping area, the Planning Commission shall make its decision in accordance with the following principles and shall make findings accordingly:

Such parks and areas shall possess the following characteristics:

- (A) Located on or within close proximity of a major highway to provide maximum service to traveling public;
- (B) Front on an arterial street of sufficient capacity to carry anticipated traffic;
- (C) May be permitted in conjunction with mobile home parks. Area to be developed shall be limited to not more than twenty-five percent (25%) of the total area.

Sec. 20.176.015 Development Standards.

~~Prior to a recreational vehicle park, or incidental camping area being deemed approved, a detailed development plan shall be submitted to the Director of the Department of Planning and Building Services for his initial review at least ten (10) days prior to the formal filing of the use permit application.~~ The maximum density shall be determined by the Planning Commission for each such park and area in accordance with the standards of this Chapter. Development may be approved in stages so long as each stage meets the standards of this Chapter. The minimum number of lots at the initial increment of development shall be ten (10) lots.

If the development is to be accomplished in stages, the development shall coordinate improvements of open space, and construction of buildings in order that each development phase achieves a proportionate share of the total open space and structural facilities requirement.

- (A) No such park or camping area may be established or used unless first approved by the granting of a use permit requiring compliance with the following standards:
 - (1) The area of land shall have a minimum area of five (5) acres.
 - (2) The minimum lot or campsite shall be twenty (20) feet in width and forty (40) feet in length. The drive-through spaces shall be fifteen (15) feet in width and sixty (60) feet in length.
 - (3) Each space in a recreational vehicle park, shall be improved with gravel or better covering as approved by the Director of the Department of Planning and Building Services, in order to maintain a dust and mud-free condition.
 - (4) Recreational vehicle lots installed with water, sewer and electricity shall be established at a ratio to the total number of lots on a park by park basis as a condition of the use permit.
 - (5) Restrooms and shower facilities shall be provided in the number and location required by the Director of the Department of Planning and Building Services, with adequate parking areas adjacent thereto.
 - (6) Usable open space for common areas shall be planned and provided for at convenient locations to provide at least two hundred (200) square feet per lot. Such open space may

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include play yards, pools, and recreation buildings but shall not be deemed to include public facilities and open areas not accessible to the tenants.

- (7) Refuse storage areas shall be provided in key areas throughout the park or campground with provisions for screening and collection.
 - (8) Each such recreational vehicle park shall be enclosed by a six (6) foot perimeter fence and by a landscaping strip of five (5) feet average width on the street side of the park. The Director of the Department of Planning and Building Services may require a higher fence when the park abuts a residential area.
 - (9) There shall be a minimum of ten (10) feet setback between the pads and the exterior perimeter boundaries.
 - (10) Internal streets shall be twenty-eight (28) feet in width edge to edge. This requirement may be reduced to twenty-four (24) feet in areas established for pull-through spaces.
 - (11) The street system shall be maintained in a well-graded, dust-free condition at all times.
 - (12) All utilities shall be placed underground.
 - (13) A secondary emergency exit shall be provided.
- (B) The following plans and reports shall be submitted with the use permit application.
- (1) A storm drain system shall be provided to accommodate runoff, both tributary to and originating within the recreational vehicle park or campground, and to transfer said runoff to a satisfactory point of disposal. Unless a waiver is granted by the Planning Commission or Board of Supervisors at the time the use permit is granted, the storm drain system shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the appropriate building official.
 - (2) A statement on the method of fire protection shall accompany each application, which shall be approved by the fire agency in charge before the application for a use permit is scheduled on the agenda of the Planning Commission.
 - (3) An enlarged plot plan showing a typical site and a typical lot, including all facilities available and accurately dimensioned, shall be provided.
 - (4) All parking spaces and aisles shall be drawn and accurately dimensioned, with flow of traffic noted thereon.
 - (5) A detailed plan with elevations shall be submitted showing location, size, and height of all proposed signs.
 - (6) The location and types of all water supply sources, sewage systems, storage tanks, and similar facilities shall be depicted on the plot plan.
 - (7) A location for a dump station for self-contained trailers and campers shall be provided unless exempted by the Director of the Department of Planning and Building Services.
 - (8) A detailed building elevation of all proposed buildings shall be submitted.

CHAPTER 20.180 OFF-STREET PARKING

Sec. 20.180.005 Declaration.

The purpose of this Chapter is to require off-street parking spaces for all land uses in the unincorporated areas of Mendocino County in sufficient numbers to accommodate vehicles which will be congregated at a given location by drivers using or occupying the facility. On street parking will be minimized and traffic and pedestrian safety increased. It is also the purpose of this Chapter to facilitate livable, walkable communities, by allowing shared parking between compatible uses that have different peak usage times (for example Multi-family Residential above Commercial).

Sec. 20.180.010 General.

- (A) Accessible off-street parking areas shall be provided and maintained as set forth in this Division to provide minimum parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of a given building, structure or area of land or water. ~~Where there is a combination of principal uses in any one (1) facility, the sum of the parking requirements of these uses shall be provided unless the uses are known to have separate peak use times. Uses with differing peak use times may be eligible for shared parking arrangements. If the calculation of parking needs results in the requirement for a fraction of a parking space, such a parking space need not be provided unless the fraction exceeds fifty percent (50%). This Division shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimums required.~~
- (B) At the time of initial occupancy of a site or of construction of a structure or of a major alteration or enlargement of a site or structure, there shall be provided off-street parking facilities for automobiles in accordance with the regulations prescribed in this ~~section~~Chapter. For the purposes of this section the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than ten percent (10%) of the total number required.
- ~~(C) In any S-R, R-1, R-2, R-3, RR-1 or R-C residential parcel, no motor vehicle over three-quarter (¾) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two (72) hours.~~
- ~~(D) For any use not specified in the following sections, the same number of parking spaces shall be provided as required for the most similar specified use, as determined by the Zoning Administrator.~~
- ~~(E) Where there is a question of primary use of any given site the use requiring the most parking spaces shall be used. However, in the case of housing projects which are affordable to extremely low, very low, low, or moderate income households in conjunction with other uses, where reduced numbers of parking spaces will increase the affordability of the project, a reduced number of parking spaces may be allowed.~~
- ~~(CF)~~ The required parking spaces shall be on-site except that an exception may be granted from the parking requirements of this Division in order that some or all of the required parking spaces be located off-site, including locations in other local jurisdictions, ~~or that in-lieu fees or facilities be provided instead of the required parking spaces,~~ if the following conditions are met:
- (1) The exception will be an incentive to, and a benefit for, the non-residential development.
 - (2) The exception will facilitate access to the non-residential development by patrons of public transit facilities, particularly guideway facilities.
 - (3) The exception shall not impact existing or proposed traffic patterns or parking conditions on residential or other adjacent property use types.

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- (D) Shared parking facilities for more than one use may be developed under the following requirements. If a shared parking facility is developed, the total number of required parking spaces may be reduced by twenty-five (25) percent with the Director's approval if the following findings can be made:
- (1) The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - (2) The proposed shared parking provided will be adequate to serve each use;
 - (3) A shared parking agreement shall be submitted for review and approval by the County. Once approved for recording, the applicant shall record the agreement and provide a conformed copy to the Department.
- (GE) Where strict application of certain provisions of this ~~Section~~ Chapter results in an unnecessary hardship or where said application will reduce the affordability of a residential project, a waiver may be granted by the ~~Zoning Administrator~~ Director.
- (HF) If an applicant can demonstrate that an apartment complex for seniors or residents with special needs will not generate a need for as much parking as regular multi-family residential, the Director may reduce the number of required spaces.
- (G) All parking spaces shall meet required yard setbacks for the zoning district in which they are located; however, ~~o~~One of the required parking spaces for any parcel may be located in the front or side yard setback area.
- (H) Pursuant to California Government Code section 65863.2, if a residential, commercial, or other development project is located within one-half mile of public transit, no off-street parking is required.
- (I) ~~Parking areas shall, be surfaced with gravel, permeable pavers, or other permeable surfacing materials to encourage on-site infiltration of stormwater runoff.~~
- (J) ~~At least fifty percent (50%) of required parking spaces shall be regular spaces, at least nine (9) by twenty (20) feet long. A maximum of fifty percent (50%) may be compact car spaces, at least seven and one half (7½) feet wide by fifteen (15) feet long unless otherwise provided for under this Section.~~
- (K) ~~Provision shall be made for handicapped parking in areas reserved and maintained for the parking of motor vehicles. Such parking spaces shall be at least fourteen (14) by twenty (20) feet with appropriate identification signs. The required number of handicapped parking spaces is set forth as follows:~~

Total Number of Parking Spaces	Number of Handicapped Parking Spaces Required
1-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
Over 500	7 plus 1 for each 200 additional spaces provided

Sec. 20.180.015 Calculation of Required Spaces.

For any use not specified in the following ~~sections~~ paragraphs, the same number of parking spaces shall be provided as required for the most similar specified use, as determined by the Director. Off-street parking for all uses shall be consistent with Table 20.180-A, below.

(A) ~~(E)~~

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- (B) Where there is a question of primary use of any given site the use requiring the most parking spaces shall be used.
- (C) Where there is a combination of principal uses in any one (1) facility, the sum of the parking requirements of these uses shall be provided unless the uses are known to have separate peak use times.
- (D) Uses with differing peak use times may be eligible for shared parking arrangements. If the calculation of parking needs results in the requirement for a fraction of a parking space, such a parking space need not be provided unless the fraction exceeds fifty percent (50%).
- (E) This Division shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimums required.
- (F) The number of Accessible parking spaces shall be as required by the California Building Code.

Table 20.180-A – Required Parking	
<u>Residential Uses</u>	<u>Off-Street Parking Spaces Required</u>
<u>Single- and two-family dwellings</u> <u>(See Chapter 20.166 for parking standards for Accessory Dwelling Units)</u>	<u>Two (2) spaces for each unit.</u>
<u>Multi-family dwellings</u>	<u>(A) one (1) space per unit for one (1) bedroom.</u> <u>(B) one and one-half (1½) spaces per unit for two (2) bedrooms.</u> <u>(C) two (2) spaces per unit for three (3) or more bedrooms.</u> <u>(B) If residences are in conjunction with a commercial enterprise, residential parking requirements may be waived or modified by the Director.</u> <u>(C) Multifamily development in the R-3 zone shall require one parking space per unit, with visitor parking provided at the Director's discretion.</u>
<u>Caretaker Units</u>	<u>1 space per unit</u>
<u>Group Residential</u>	<u>1 space per employee, plus 1 per bedroom or 1 per every two beds, whichever is greater</u>
<u>Mobile Home Parks</u>	<u>2 spaces for each mobile home space</u>
<u>Residential Care Facilities, Small</u>	<u>1 space for every 500 square feet of gross floor area.</u>
<u>Residential Care Facilities, Large</u>	<u>1 space for every 500 square feet of gross floor area.</u>
<u>Residential Facility, Assisted Living</u>	<u>1 space per every 3 beds.</u>
<u>Supportive Housing</u>	<u>None beyond the parking required for the residential use type.</u>

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Table 20.180-A – Required Parking	
<u>Transitional Housing</u>	<u>None beyond the parking required for the residential use type.</u>
<u>Recreational Uses</u>	<u>Off-Street Parking Spaces Required</u>
<u>Places of public assembly with fixed seats. This category includes: auditoriums, exhibit halls, dance halls, places of worship, and other buildings used for public assembly.</u>	<u>1 space for every four seats, or 1 space for each seven lineal feet of bench seating</u>
<u>Places of public assembly without fixed seats. This category includes: auditoriums, exhibit halls, dance halls, places of worship, and other buildings used for public assembly.</u>	<u>1 space per 100 square feet of assembly area</u>
<u>Bowling centers</u>	<u>4 spaces for each lane plus one space for each shift employee</u>
<u>Billiard and card rooms</u>	<u>2 spaces for each table</u>
<u>Golf, driving and shooting ranges</u>	<u>4 spaces per tee, 1 ½ spaces per range stall</u>
<u>Commercial swimming pools</u>	<u>1 space per 100 square feet of pool area (total of water and adjacent deck area)</u>
<u>Skating rinks and commercial recreational areas (e.g., water slides)</u>	<u>1 space for each 100 square feet gross floor area of skating or recreational area</u>
<u>Tennis, handball and racket courts</u>	<u>2 spaces per court, plus one space for each shift employee</u>
<u>Institutional Uses</u>	<u>Off-Street Parking Required</u>
<u>Hospitals</u>	<u>2 spaces per each permanent bed plus 1 space for each 500 square gross floor area.</u>
<u>Convalescent homes and nursing homes</u>	<u>See “Residential Facility, Assisted Living”</u>
<u>Day care and nursery schools</u>	<u>1 space per 500 square feet of floor area</u>
<u>Mortuaries with chapels</u>	<u>1 space for every four seats or one space for each seven lineal feet of bench or pew.</u>
<u>Public, parochial and private elementary schools</u>	<u>1 space for each employee, plus one space for each five students of planned capacity</u>
<u>Public, parochial, and private high schools</u>	<u>6 per classroom plus 1 per 350 square feet of office/administrative area</u>
<u>Colleges, art, craft, music and dancing schools, business, professional and trade schools</u>	<u>1 space for each employee, plus one space for every two students of planned capacity</u>

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Table 20.180-A – Required Parking	
<u>Professional Office Uses</u>	<u>Off-Street Parking Requirements</u>
<u>Medical, dental, optometry or chiropractic offices and clinics</u>	<u>1 space per 300 gross square feet of floor area, plus 3 spaces per doctor or dentist or similar health professional</u>
<u>Research facilities</u>	<u>1 space per employee, plus one space per 500 gross square feet.</u>
<u>Banks, lending agencies, financial institutions, governmental institutions, and public utility offices (including those with drive-up facilities)</u>	<u>1 space per 300 square feet of gross floor area</u> <u>Drive-up facilities shall have a stacking area for 5 vehicles</u> <u>When part of a mixed-use project, shared parking arrangements are allowed</u>
<u>All other professional offices</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>Retail and Commercial Uses</u>	<u>Off-Street Parking Requirements</u>
<u>General retail sales, repair and services</u>	<u>1 space per 300 square feet of gross floor area, including office, storage, restrooms, etc.</u>
<u>Retail sales of large appliances, automobiles, furniture or other similar bulky merchandise</u>	<u>1 space per 500 square feet of gross floor area</u>
<u>Restaurants, bars, taverns, lunchrooms, nightclubs and cocktail lounges</u>	<u>1 space for every 3 three seats or one stall per 100 square feet of floor area devoted to dining, whichever is greater</u>
<u>Barber and beauty shops</u>	<u>1 space for each barber chair or beautician station, plus one space for each employee working on the largest shift</u>
<u>Uncovered retail sales area for landscaping nurseries, vehicles and construction materials</u>	<u>1 space for each 1,000 square feet of gross display area, plus one space per employee</u>
<u>Automotive repair garages</u>	<u>3 spaces for each service bay, plus one space for every employee</u>
<u>Fueling Stations</u>	<u>1 space for each employee</u>
<u>Convenience Stores</u>	<u>1 space for each 1,000 square feet of gross floor area, minimum of 3 spaces</u>
<u>Hotels and motels</u>	<u>1 space for each guestroom, plus two spaces for employees</u>
<u>Bus stations, train depots and other transportation depots</u>	<u>1 space for each employee, plus user parking as determined by the Director</u>
<u>Undefined commercial uses</u>	<u>1 space per 250 square feet of gross floor area, subject to additional spaces depending on the eventual uses</u>
<u>Type of Industrial Use</u>	<u>Off-Street Parking Required</u>
<u>Manufacturing and General Industrial</u>	<u>1 space per 500 square feet of gross floor area for projects</u>

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Table 20.180-A – Required Parking	
<u>Uses</u>	<u>up to 10,000 square feet</u> <u>1 space per 1,000 square feet of gross floor area for projects over 10,000 square feet</u>
<u>Office area within a manufacturing or industrial building</u>	<u>Park per the standard for “All professional offices”</u>
<u>Recycling Collection facility</u>	<u>1 space for each 3,000 square feet of site area, plus 1 additional parking space for each commercial vehicle operated by the facility</u>
<u>Self-storage facility</u>	<u>1 space per 50 units or spaces, plus two spaces for the manager’s unit</u>
<u>Warehousing/Distribution and Fulfillment Centers</u>	<u>1 space per 2,500 square feet of warehouse space, plus parking for office per the standard for “All professional offices”</u>
<u>Mixed Use</u>	<u>Off-Street Parking Required</u>
<u>A single unified development or district that incorporates two or more different uses within walking distance of one another.</u>	<u>1 space for each 500 square feet of nonresidential gross floor area and one space for each dwelling unit.</u>

Sec. 20.180.020 Parking Design Standards.

- (A) At least fifty percent (50%) of parking areas shall, be surfaced with gravel, permeable pavers, or other permeable surfacing materials to encourage on-site infiltration of stormwater runoff. The remaining fifty percent (50%) may be impermeable surfaces.
- (A)(B) At least fifty percent (50%) of required parking spaces shall be regular spaces. A maximum of fifty percent (50%) may be compact car spaces.
- (C) All lighting within the parking area shall be downcast and shielded.
- (D) Parking space dimensions shall be consistent with Table 20.180-B and Figures 20.180-A.
- (E) Maneuvering aisles shall be consistent with Tables 20.180-C and -D.
- (F) Electric Vehicle Charging Stations.
 - (1) Electric vehicle charging stations may be provided in any area designed for the parking of vehicles.
 - (2) Electric vehicle ready charging infrastructure shall be provided in multi-family housing developments and non-residential developments according to the standards outlined by CALGreen (Title 24 California Code of Regulations, Part 11).
 - (3) Parking spaces with electric vehicle charging shall be counted as a two standard parking space for the purpose of providing required parking per this Chapter.
 - (4) If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate or in any way impact the required parking spaces for existing uses, the Director may reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and associated equipment.

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(G) Bicycle Parking. Parking lots with twenty (20) or more spaces shall provide one (1) bicycle parking space for each ten (10) parking spaces, either as a bicycle rack designed to enable bicycles to be locked to the rack or in a secured enclosed location.

(H) Striping and Marking.

(1) Space Outline. All parking spaces shall be clearly outlined with double striping three inches in width, in durable white paint designed for that purpose.

(2) Maneuvering Areas. All aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe movement.

(3) Compact Spaces. All compact spaces shall be clearly marked as such.

(4) Striping and Marking for Accessible spaces and electric vehicle charging spaces shall be as required by the California Building Code.

Table 20.180-B – Parking Space Minimum Dimensions For 90-Degree Spaces		
<u>Type of Parking Space</u>	<u>Width (feet)</u>	<u>Length (feet)</u>
<u>Standard</u>	<u>9</u>	<u>20</u>
<u>Compact</u>	<u>8</u>	<u>16</u>
<u>Parallel</u>	<u>9</u>	<u>22</u>
<u>Accessible</u>	<u>Compliant with the California Building Code</u>	

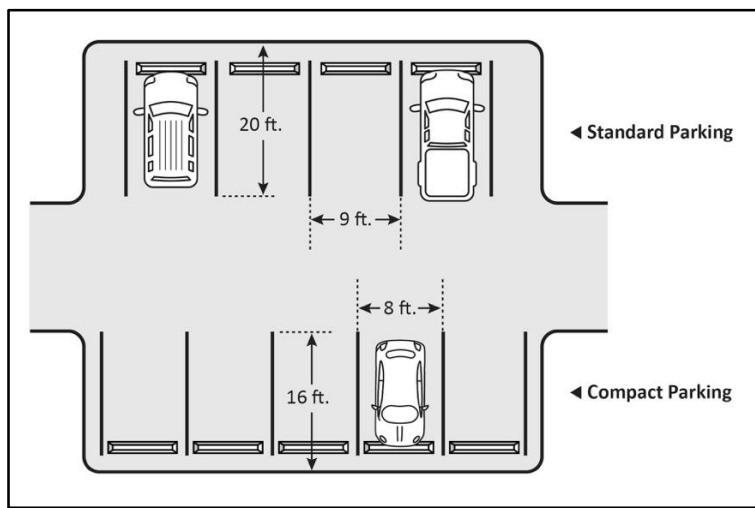


Figure 20.180-A – Parking Space Dimensions

Measuring parking space dimensions in a 90-degree configuration.

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Sec. 20.180.025 Drive-Through Facilities.

Any use which proposes drive-through or drive-up facilities shall require an Administrative Permit pursuant to Chapter 20.192 and comply with the following requirements:

- (A) A pedestrian and vehicular circulation plan shall be submitted along with any building permit application. Such plan shall indicate how pedestrian and vehicular traffic will be accommodated to provide pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or drive-up facilities in a manner that will not impede traffic flow on any public right-of-way. Such plan will be reviewed against the following standards:
- (1) Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets to the extent feasible.
 - (2) Pedestrian walkways shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.
 - (3) Parking for drive-through and drive-in uses shall be provided as required by this Chapter.
 - (4) Drive-through access aisles shall be located entirely within the property and shall account for the stacking of a minimum of 5 vehicles. The Director may determine that more stacking is required depending on the need of the specific business. In such instances, the Applicant shall have a stacking study prepared by a qualified expert.

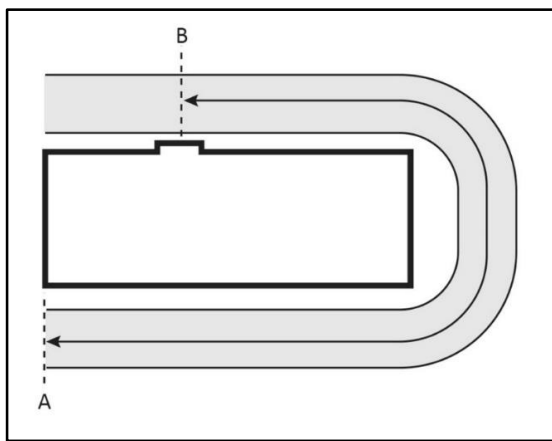


Figure 20.180-B – Drive-through Aisle

Drive aisle length is measured from the start of the drive aisle (A) to the pickup window (B).

Sec. 20.180.015 Residential.

- (A) ~~Single family detached dwelling or mobile home: two (2) parking spaces.~~
- (B) ~~Duplex two (2) parking spaces for each unit.~~
- (C) ~~Multiple family/apartment/condominiums: one (1) parking space up to one (1) bedroom, one and one-half (1½) parking spaces for two (2) bedrooms, two (2) parking spaces per unit for three (3) or more bedrooms. If residences are in conjunction with a commercial enterprise, residential parking may be waived or requirements modified by the Zoning Administrator.~~
- (D) ~~Mobile home parks: two (2) parking spaces for each mobile home space.~~
- (E) ~~Recreational vehicle parks: one (1) parking space per recreational vehicle space plus one (1) parking space per recreational vehicle space for visitor parking, boat storage and other uses.~~

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- ~~(F) — Hotels, motels, inns, boarding houses, private clubs with sleeping facilities and hostels: one (1) parking space for each room or in the case of a dormitory situation, one (1) parking space for each bed, plus two (2) parking spaces for the owner or manager. (Ord. No. 3639 (part), adopted 1987)~~
- ~~(G) — Parking reductions for affordable housing: parking requirements for an affordable unit will be one (1) space per one (1) bedroom unit; one and one half (1 1/2) spaces per two (2) bedroom unit; two (2) spaces per three bedroom unit.~~
- ~~(H) — If a developer can demonstrate that an apartment complex for seniors or residents with special needs will not generate a need for as much parking as regular multifamily residential, the Zoning Administrator has the authority to reduce the number of required parking spaces.
(Ord. No. 3639 (part), adopted 1987)
(Ord. No. 4213, 12-9-08)~~

~~Sec. 20.180.020 Retail, Commercial and Service Uses.~~

- ~~(A) — Retail stores, offices, commercial banks, savings and loans, food stores, drug stores and other similar uses not specifically mentioned in this section: one (1) parking space for each three hundred (300) square feet of gross floor area. Any of the above uses having drive thru or drive up facilities shall have a stacking area for five (5) vehicles. When developing commercial and residential mixed use projects, shared parking arrangements are allowed.~~
- ~~(B) — Furniture and major appliance stores: one (1) parking space for every five hundred (500) square feet of gross floor area.~~
- ~~(C) — Barber shops and beauty parlors: one (1) space for each barber chair or beautician station plus one (1) space for every employee working on the largest shift.~~
- ~~(D) — Coin-operated laundromats or dry-cleaning: one (1) space for each three (3) machines.~~
- ~~(E) — Auto service stations: three (3) parking spaces for each service bay plus one (1) parking space for every employee working on the largest shift.~~
- ~~(F) — Motor vehicle sales: one (1) parking space for each five hundred (500) square feet of floor area plus one (1) parking space for each two thousand (2,000) square feet of outdoor area.~~
- ~~(G) — Flea markets, outdoor markets, etc.: one (1) parking space for each three hundred (300) square feet of sales area.~~
- ~~(H) — Health clubs, gyms, similar uses: one (1) parking space for each two hundred (200) square feet of gross floor area.~~
- ~~(I) — Nurseries: one (1) parking space for each one thousand (1,000) square feet of outside area plus one (1) parking space for each three hundred (300) square feet of gross indoor sales area (greenhouses will be considered outside area).~~
- ~~(J) — Auto washes, automatic one (1) lane: ten (10) car stacking spaces plus one (1) parking space for each employee. Self-service: three (3) parking spaces for each washing bay.~~
- ~~(K) — Restaurants, bars, including those with dancing: one (1) parking space for every three (3) persons based on capacity of fixed or movable seating area as determined by the Uniform Building Code.~~
- ~~(L) — Drive in, drive thru restaurants: one (1) parking space for each one hundred (100) square feet of gross floor area with stacking capacity for five (5) vehicles (minimum ten (10) spaces).
(Ord. No. 3639 (part), adopted 1987)
(Ord. No. 4213, 12-9-08)~~

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Sec. 20.180.025 Health Uses.

- (A) ~~Medical or dental offices: three (3) parking spaces for each doctor or dentist or similar health profession plus one (1) parking space for each three hundred (300) square feet of gross floor area.~~
- (B) ~~Hospitals: two (2) parking spaces per each permanent bed plus one (1) parking space for each five hundred (500) square feet gross floor area.~~
- (C) ~~Veterinary hospital and clinics: one (1) parking space for each three hundred (300) square feet of gross floor area.~~
- (D) ~~Family care institutions: one (1) parking space for each five hundred (500) square feet of gross floor area (if the family care institution is in a residential home, the above requirements are in addition to residential requirements).~~

~~(Ord. No. 3639 (part), adopted 1987)~~

Sec. 20.180.030 Places of Public Assembly—Educational, Religious or Recreational.

- (A) ~~Day care centers, nurseries, pre-schools: one (1) parking space for every employee working on the largest shift plus one (1) space for every ten (10) persons.~~
- (B) ~~Elementary and junior high schools (public or private): one (1) parking space for every employee working on the largest shift plus one (1) parking space for every five (5) students.~~
- (C) ~~Institutions of higher learning, trade schools, business schools, professional schools: one (1) parking space for every employee working on the largest shift plus one (1) parking space for each two (2) students.~~
- (D) ~~Libraries, museums, art galleries: one (1) parking space for each three hundred (300) square feet of gross floor area.~~
- (E) ~~Churches, synagogues, temples, and other places of worship: one (1) parking space for every three (3) persons based on Uniform Building Code capacity.~~
- (F) ~~Funeral homes, and mortuaries: one (1) parking space for each four (4) seats in each chapel or parlor room, plus one (1) parking space for every employee working on the largest shift and vehicle kept on premise.~~
- (G) ~~Exhibition halls, assembly halls, dance halls, skating rinks: one (1) parking space for each one hundred (100) square feet gross floor area.~~
- (H) ~~Recreation buildings and community centers: one (1) parking space for each employee plus parking spaces equal in number to ten (10) percent of capacity in persons based on the Uniform Building Code.~~
- (I) ~~Movie houses, theaters, stadiums and similar places with fixed seating: one (1) parking space for every three (3) seats.~~
- (J) ~~Bowling alleys: four (4) parking spaces for each lane.~~
- (K) ~~Pool, card and billiard rooms: two (2) parking spaces for each table.~~
- (L) ~~Game rooms, arcades: one (1) parking space for each four (4) game machines.~~
- (M) ~~Regulation golf courses: four (4) parking spaces per hole. Miniature, pitch and putt: two (2) parking spaces per hole. Driving ranges: one (1) parking space per tee.~~
- (N) ~~Commercial tennis courts, racquetball courts, and handball courts: two (2) parking spaces per court.~~
- (O) ~~Commercial swimming pools: one (1) parking space for each one hundred (100) square feet of pool area.~~

~~(Ord. No. 3639 (part), adopted 1987)~~

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Sec. 20.180.035 Manufacturing, Industrial and Warehousing.

- ~~(A) Manufacturing, industrial use of all types except a building used only as a warehouse: one (1) parking space for every employee working on the largest shift, plus ten (10) customer or visitor parking spaces plus parking for each of the vehicles operated from or on the site.~~
 - ~~(B) Warehouses, storage only: one (1) parking space per each two thousand five hundred (2,500) square feet of gross floor area, plus one (1) parking space for every employee working on the largest shift plus one (1) parking space for each vehicle operated from or on site.~~
 - ~~(C) Wholesale/retail warehouses: one (1) parking space per five hundred (500) square feet of gross floor area.~~
 - ~~(D) Feed yards, fuel yards, material yards: one (1) parking space per each one thousand five hundred (1,500) square feet of site area.~~
 - ~~(E) Contractors and general storage yards: one (1) parking space per each two thousand five hundred (2,500) square feet of site area.~~
 - ~~(F) Public utility facilities, communication facilities, public/private: one (1) parking space for every employee working on the largest shift plus five (5) visitor parking spaces plus one (1) parking place for each vehicle operated from or on the site.~~
 - ~~(G) Auto salvage yards, junk yards, salvage yards: one (1) parking space for every employee working the largest shift plus six (6) parking spaces separated from enclosed storage area.~~
 - ~~(H) Recycling Centers. One (1) parking space for each employee working the largest shift plus one (1) parking space for each three thousand (3,000) square feet of site area plus one (1) parking space for each vehicle operated from or on the site.~~
- ~~(Ord. No. 3639 (part), adopted 1987)~~

CHAPTER 20.184 SIGN REGULATIONS

Sec. 20.184.005 Intent.

The purpose of this chapter is to promote and protect the public health, welfare, and safety through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements. This Chapter is intended to:

- (A) Encourage signs as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the County;
- (B) Balance public and private objectives by allowing adequate opportunities for signs;
- (C) Protect and improve the local economy and quality of life by preserving and enhancing the appearance of the streetscape;
- (D) Maintain and enhance the County's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;
- (E) Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;
- (F) Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and

Ensure that the constitutionally guaranteed right of free speech is protected. The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs, including "on-premise" and "off-premise" signs of all types. It is intended to protect property values, create a more attractive, economic and business climate, enhance the aesthetic appearance of the physical community, preserve the scenic and natural beauty, and provide an enjoyable and pleasing community. It is further intended hereby to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents.

(G) _____

Sec. 20.184.010 General Regulations.

- (A) Compliance and Permits. All signs within the regulatory scope of this Chapter shall conform to the provisions of this Chapter.
- (B) No person shall erect, place, display, or maintain any sign in violation of this Chapter.
- (C) Property owner's consent. No sign may be placed or displayed without consent of the property owner of the property upon which the sign is located.
- (D) All signs, banners, billboards, markers, and pennants shall comply with applicable federal, state, and local laws.
- (E) The regulations of this Chapter apply to all signs, including those that display commercial and non-commercial messages.
- (F) ~~(C) —~~ Lighting and illumination of displays.
- (1) Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible.

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- (2) Signs making use of stroboscopic lights, rotary beacons, chasing or similar types of light to convey the effect of movement shall not be permitted, nor shall flashing, intermittent or variable intensity lighting be permitted. This restriction shall not apply to signs which convey information such as time, temperature, or weather.
- ~~(G) (D) — Movement of signs. No sign shall move or revolve, nor display any moving and/or revolving parts. Wind propellers and other noise creating devices shall not be permitted.~~
- (H) Setback. Signs shall meet the rear and side yard setback requirements of the applicable zoning district. In addition to applicable setbacks, signs shall be located such that:
- (1) They do not interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
- (2) They do not conflict with overhead utility lines, overhead lights, or walkway lights;
or
- (3) They do not physically block the use of pedestrian or bicycle ways.
- (4) Visibility at street corners and driveways connecting with a public street shall be maintained as an area of unrestricted visibility as required by the County Department of Transportation.
- ~~(E) Exceptions. Regulations for regulated signs may be modified upon approval of an Administrative Permit.~~

Sec. 20.184.010-015 Off-Site Signs—Standards Permanent.

The following standards shall apply to off-site, permanent signs:

- (A) Permitted Locations. Off-site signs may be placed on any property zoned Limited Industrial, General Industrial or General Commercial, except as prohibited below:
- (1) Within three hundred (300) feet of any residential zone having frontage on the same street;
- (2) Upon or over the right of way of any county, state, or federal road or highway.
- (B) Setbacks. All off-~~premise~~ site signs shall conform to all setback requirements of the zone in which it is located.
- (C) Area. Off-~~site~~ premise signs may be single-faced or double-faced with a maximum area of three hundred (300) square feet.
- (D) Height. No portion of an off-~~premise~~ site freestanding sign or its supporting structures shall exceed thirty-five (35) feet in height. Signs on buildings shall not exceed the building height. Building-mounted off-site signs shall conform with the standards for on-site roof signs and/or wall signs, as applicable.
- (E) Number. Only one (1) off-site sign shall be permitted per lot. No limit on the number of off-site signs per use is imposed by this Section.
- (F) Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back-to-back in parallel planes at a distance not to exceed three (3) feet apart.
- (G) Off-site signs shall not count toward the maximum sign area for the parcel upon which they are located.

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(H) Permission of Owner. The owner of an off-site sign must obtain the written permission of the property owner upon which the sign is to be located.

Sec. 20.184.020 Off-Site Directional Signs.

In areas where street identification or house numbering systems do not exist or are inadequate to a degree as to make finding particular residences unduly difficult, signs intended solely to provide directional information to a particular residence are permitted.

Not more than three (3) single-faced or double-faced signs having an area not greater than two (2) square feet on each face may be permitted pertaining to any one (1) property or residence. Such signs shall be limited to the name of the owner or resident and directional information to the property or residence thereof.

Sec. 20.184.015-025 Temporary ~~Off-Site~~ Signs.

Temporary (visible for less than ninety (90) days) signs ~~solely for the purpose of identifying and providing directional information to new residential developments, special events, or festivals~~ may be constructed, placed and maintained in any location upon the granting of an Administrative Permit in accordance with Chapter 20.192 (Administrative Permits). Such temporary signs shall be subject to the following conditions:

- (A) Area. No sign shall exceed a total of thirty-two (32) square feet in area.
- (B) Number. ~~No more than five (5) such signs shall be allowed.~~ The number of temporary signs per use or event shall be established by the Administrative Permit.
- (C) Height. No sign shall exceed the height limitation for the district in which it is located.
- (D) Time Limit. As specified by ~~conditions of~~ the Administrative Permit.
- (E) Permission of Owner. The owner of any on- or off-site temporary sign shall obtain the written permission of the property owner upon which the sign is to be located.
- (F) Location of Sign(s). As specified by the Administrative Permit.
- (G) Design and Materials. Off-site temporary signs shall not be illuminated. Signs shall be made of durable, weatherproof materials capable of lasting for the time the sign is displayed. Off-site temporary signs shall be designed to ensure that the sign faces are securely fastened to the supporting structure, and the supporting structure is securely fastened to the ground.

Sec. 20.184.0230 On-Site Signs—Standards.

- (A) Permitted Locations. Except for signs specified in Section 20.184.025(A035) and (B), ~~20.184.040, 20.156.015(E,C), 20.160.020(A)(4)(D) and 20.160.020(B)(4) 5(D)~~ on-premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated and maintained only in the locations specified:
 - (1) All commercial and industrial zones.
 - (2) On any lot upon which a commercial or industrial use type is a permitted use type.
 - (3) On any lot in any zone where a legal nonconforming commercial or industrial use type exist.
- (B) Sign Types.
 - (1) Wall Signs. Signs attached or painted onto a building or approved structure. Wall signs shall meet the following standards:

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- (a) Not extend more than eighteen (18) inches from the wall thereof;
 - (b) Extend no higher than the building roof line;
 - (c) Not exceed one (1) square foot of sign area for each foot of street frontage, but in no case to exceed one hundred sixty (160) square feet. All sites shall be permitted twenty-five (25) square feet minimum wall signs.
- (2) Freestanding Signs. A sign detached from the main or accessory buildings, advertising uses on site. Freestanding signs shall meet the following standards:
- (a) Not project into a private or public right-of-way;
 - (b) Extend no higher than twenty-five (25) feet;
 - (c) Not exceed sixty-four (64) square feet;
 - (d) The square footage of portable on-premise signs shall count towards the total square footage allowed for free-standing signs.
- (3) Roof Signs. Signs attached to a main building or accessory structure that project above the roof line. Roof signs shall meet the following standards:
- (a) Extend no higher than five (5) feet above the highest point of the roof on which located, or beyond the height limitations for the district in which it is located, whichever is the lesser;
 - (b) Shall not extend beyond the exterior wall of the structure on which it is located;
 - (c) Shall not exceed sixty-four (64) square feet in area.
- (C) Setbacks. All on-site signs shall conform to all setback requirements of the zone in which it is located.
- (D) Sign Area—Maximum. Except as permitted in Section 20.184.045065, the total square-footage of all signs on a lot may not exceed one hundred twenty-eight (128) square feet; provided, however, in the absence of both freestanding signs and roof signs the maximum total sign area allowed may be increased to one hundred sixty (160) square feet.

Sec. 20.184.025-035 General Regulations Exempt Signs.

~~The following signs are exempt from the regulations in this Chapter: The following shall apply in the construction and maintenance of on-premise and off-premise signs.~~

~~(A) — Special Purpose Signs — Unregulated. The following special purpose signs shall be exempt from these regulations:~~

- (A) ~~(1)~~ — Directional, warning or informational signs required or authorized by law which are erected by Federal, State, County or Municipal officials;
- (B) ~~(2)~~ — Official notices issued by a court or public body or office and posted in the performance of a public duty;
- (C) ~~(3)~~ — Danger signs, railroad crossing signs and signs of public utility companies indicating danger and aids to service or safety;
- (D) ~~(4)~~ — House or building numbers;
- (E) ~~(5)~~ — Flags, emblems and insignia of a nation or political subdivision;
- (F) ~~(6)~~ — Commemorative signs or plaques of recognized historical organizations;

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- (G) ~~(7)~~—Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs;
- (H) ~~(8)~~—Signs on licensed vehicles, provided such vehicles are not used or intended for use as portable signs;
- (I) ~~(9)~~—Signs which are not intended to be viewed from public streets and are not legible therefrom nor from adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks and similar uses of a recreational or entertainment nature,

~~(A) (10) Changing the sign copy of a sign, or other maintenance which does not involve physical changes to a sign. Physical changes to the sign may require a building permit.;~~

~~(J) _____~~

~~(J) (11) Murals, paintings, and works of art that are not intended to advertise or identify a business or product. Any maintenance which does not involve increased size changes;~~

~~(K) _____~~

~~(K)(L) (12) Signs required by State or Federal law, including state-required fuel price information at gas stations. In the case of gas station signs, the area devoted to price information shall not be counted toward the sign's overall area.;~~

~~(13) Directional Signs. In areas where street identification or house numbering systems do not exist or are inadequate to a degree as to make finding particular residences unduly difficult, signs intended solely to provide directional information to a particular residence are permitted. Not more than three (3) single-faced or double-faced signs having an area not greater than two (2) square feet each face may be permitted pertaining to any one (1) property or residence. Such signs shall be limited to the name of the owner or resident and directional information to the property or residence thereof.~~

Sec. 20.184.040 Regulations for Specific Sign Types.

~~(B) Special Purpose Signs—Regulated. Permits for regulated signs shall be required only for signs specified in the Uniform Sign Code. The following special purpose signs shall be regulated: The following sign types are permitted subject to the regulations provided below for each specific sign type. Exceptions to the regulations provided in this Section may be granted with an Administrative Permit, as provided for in section 20.184.065. Said Administrative Permit shall be processed in accordance with Chapter 20.192.~~

(A) ~~(1)~~—"No Trespassing," and "No Parking" and similar warning signs ~~which shall not~~ exceed four (4) square feet each;

(B) ~~(2)~~—Incidental signs showing trading stamps offered, credit cards accepted, notices of services required by law, trade affiliations, and the like, attached to a freestanding sign, structure or building; provided that all of the following conditions hold:

~~(1) No more than four (4) such signs may be placed on any single property. (a) _____ The signs number no more than four (4).~~

~~(1) _____~~

~~(2) (b)~~—No such sign ~~may~~ projects beyond any property line.

~~(2) _____~~

(3) ~~(c)~~—No such sign shall exceed an area per face of two (2) square feet.

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- ~~(C) (3) Signs on awnings or removable canopies not permanently attached to or built as part of a building, provided that all of the following conditions hold:~~
- ~~(C) (a) No such sign shall shall not exceed an area of four (4) square feet on any side of such awning or canopy.~~
- ~~(D) Identification plaques, provided no more than two (2) such signs of not more than two (2) square feet each may be placed on a single building.~~
- ~~(E) Temporary window signs shall not exceed twenty-five percent (25%) of the window area.~~
- ~~(F) Signage identifying agricultural products produced on the premises is permitted, subject to the following:~~
- ~~(1) One (1) sign per lot or parcel.~~
 - ~~(2) Maximum of eight (8) square feet in area.~~
 - ~~(3) Maximum height of eight (8) feet.~~
- ~~(G) Signage identifying multiple dwellings, clubs, or similar uses are permitted, subject to the following:~~
- ~~(1) One (1) freestanding and one (1) building-mounted sign per parcel~~
 - ~~(2) Maximum of eight (8) square feet in area.~~
- ~~(H) Signage identifying civic use types such as hospitals and institutions of an educational philanthropic or charitable nature are permitted, subject to the following:~~
- ~~(1) One (1) sign per use.~~
 - ~~(2) Sign may be freestanding or building-mounted.~~
 - ~~(3) Maximum of forty (40) square feet in area.~~
 - ~~(4) Maximum height of eight (8) feet.~~
- ~~(I) Signs offering premises for sale or lease and temporary construction site signs are permitted subject to the following:~~
- ~~(1) Signs may be freestanding or building-mounted.~~
 - ~~(2) Signs shall be located on the site of the sale or lease.~~
 - ~~(3) Maximum of two (2) signs along any one (1) frontage.~~
 - ~~(4) The total area of all signs on a frontage shall not exceed thirty-two (32) square feet. Sites with two frontages are allowed thirty-two (32) square feet of signs per frontage.~~
 - ~~(5) Maximum height of eight (8) feet with freestanding signs.~~
 - ~~(6) Construction site signs shall be in place only for the duration of the construction with which they are associated.~~
 - ~~(7) Signs shall be removed no later than ten (10) days after the end of an event, project completion, sale or lease of a building, lot, or residential development.~~
- ~~(J) Community Identification Signs. Signs solely to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, provided:~~
- ~~(1) Number and Location. Not more than one (1) sign may be located along any principal approach route to a community.~~

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~~(1)(2) Area and Height. Each sign may be single-faced or double-faced with no face to exceed an area of fifty (50) square feet. No sign shall exceed a height of twenty (20) feet above the average elevation of the ground directly below the sign.~~

~~(A) (b) — The sign copy shall be limited to name, occupation, street address, telephone number, date of establishment, and other comparable copy of a nonadvertising nature, which copy may relate to one (1) or more separate establishments.~~

~~(4) — Identification plaques, provided that all of the following conditions hold:~~

~~(a) — No more than two (2) such signs having an area of not more than two (2) square feet each may be placed on a building facing or fence.~~

~~(D) (b) — The sign copy shall be limited to name, occupation, street dress, telephone number, date of establishment, trade organization associations, names of products produced under registered trade names, logos, and other comparable sign copy of a nonadvertising nature, which copy may relate to one (1) or more separate establishments.~~

~~(5) — Temporary window signs constructed of paper, cloth or similar expendable material, provided that all of the following conditions hold:~~

~~(a) — The total area of such signs shall not exceed twenty-five percent (25%) of the window area.~~

~~(b) — Such signs shall be affixed only to the interior window surface for a short period of time to promote a particular sale of produce or merchandise.~~

~~(6) — Bulletin boards for charitable or religious organizations, provided that such signs do not exceed an area of ten (10) square feet per face and are not illuminated.~~

~~(7) — One sign, up to eight (8) square feet in area, for each lot identifying the agricultural products produced on the premises permitted by the applicable zone regulations.~~

~~(8) — One identification sign, up to eight (8) square feet in area, for each lot or parcel identifying multiple dwellings, clubs and similar uses of premises.~~

~~(9) — Freestanding, wall or roof identification signs up to a total of forty (40) square feet in area identifying civic use types, hospitals, and institutions of an educational, philanthropic or charitable nature.~~

~~(10) Temporary On-Premise Signs. Signs offering premises for sale or lease and temporary construction site signs provided that all the following conditions hold:~~

~~(a) — Not more than two (2) such single-faced or double-faced signs along any one (1) frontage.~~

~~(b) — The total area of all faces for any frontage shall not exceed thirty-two (32) square feet, provided however than on a double frontage, each sign may have an area per face not to exceed thirty-two (32) square feet.~~

~~(c) — No such sign shall exceed a height of eight (8) feet.~~

~~(d) — Temporary construction site signs shall be erected only for the duration of the construction with which associated.~~

~~(e) — Such signs are not subject to the setback requirements in the zone in which they are located.~~

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~~(f) Temporary signs shall be removed no later than ten (10) days after the end of an event, project completion, sale of structure, lot or residential development.~~

~~(11) Community Identification Signs. Signs solely to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, provided:~~

~~(a) Number and Location. Not more than one (1) sign may be located along any principal approach route to a community.~~

~~(b) Area and Height. Each sign may be single faced or double faced with no face to exceed an area of fifty (50) square feet. No sign shall exceed a height of twenty (20) feet above the average elevation of the ground directly below the sign.~~

~~(c) Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible. Signs making use of stroboscopic lights, rotary beacons, chasing or similar types of light to convey the effect of movement shall not be permitted, nor shall flashing, intermittent or variable intensity lighting be permitted. This restriction shall not apply to signs which convey information such as time, temperature, or weather.~~

~~(D) Movement. No sign shall move or revolve, nor display any moving and/or revolving parts. Wind propellers and other noise creating devices shall not be permitted.~~

~~(E) Exceptions. Regulations for regulated signs may be modified upon approval of an Administrative Permit.~~

Sec. 20.184.045 Computing Sign Area and Height.

(A) Allowable sign area which is determined by the amount of street frontage shall be based on the total of all street frontages for the lot or parcel, as shown in Figure 20.180-A below.

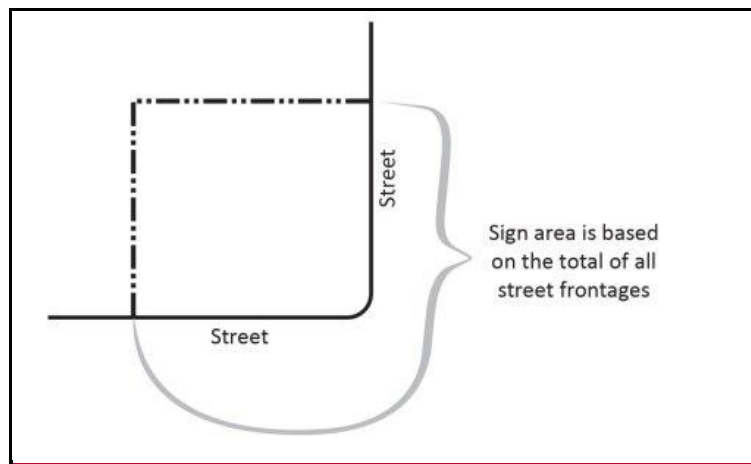


Figure 20.180-A – Sign Area Frontage

(B) The area of a sign is computed by multiplying the height by the length of the sign, not including any framework which is not part of the sign. For signs whose shape is a regular

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geometric figure (square, rectangle, circle, etc.), the area shall be calculated using standard formulas (Height x Width for a rectangle, etc.).

- (C) Where a sign contains a frame, background, or other material used to differentiate the sign from the background on which it is placed, the sign area shall be measured to include the entire frame, background, or other material.
- (D) For signs whose shape is irregular, such as individual letters placed on a wall or a monument sign, the area shall be measured by enclosing the sign elements within up to eight (8) straight, intersecting lines, as shown in Figure 20.180-B below.

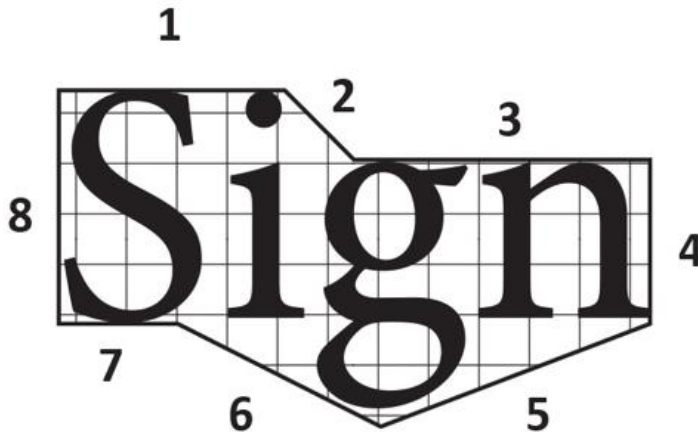


Figure 20.180-B – Irregular Sign

- (E) The base or supporting structure of a sign is not considered part of the sign unless it is part of the message presentation.
- (F) The area of a two-sided back-to-back sign shall be computed by determining the area of only one (1) side if the two (2) sides are within forty-five (45) degrees of parallel and not more than three (3) feet apart. Where the sign faces are at an angle of forty-five (45) degrees or more, or more than three (3) feet apart, area shall be computed by multiplying the height by the length of each sign face and adding the results (area of Face A + area of Face B).
- (G) Time and temperature displays are considered part of the allowable sign display area and are subject to the same size and height rules as other aspects of a sign.
- (H) For establishments providing services to customers while in their vehicles, signs related to such services are allowed, but are counted in the aggregate allowed signage for the use. Drive-through establishment menu boards shall not be included in this calculation.
- (I) Measuring Sign Height. The height of a sign is the vertical distance from the uppermost point used to measure sign area to the average finished grade of the ground below the sign and/or support structure, as shown in Figure 20.180-C below.

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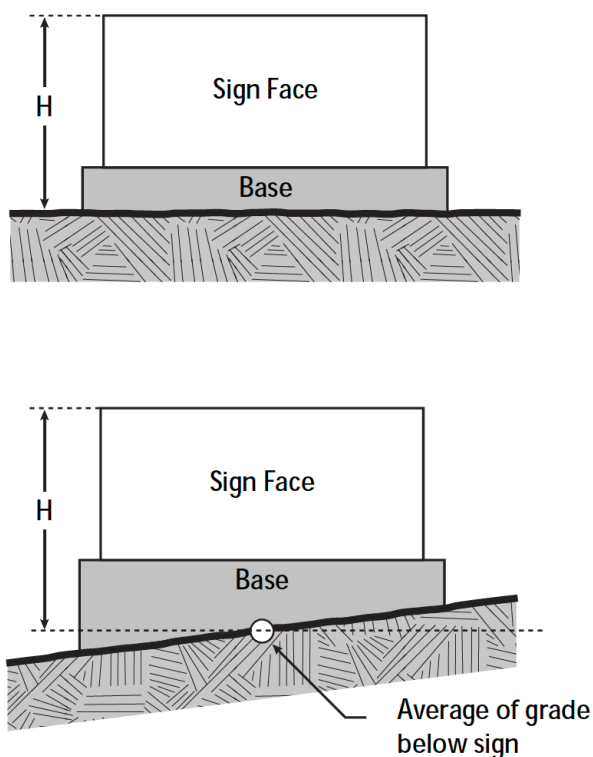


Figure 20.180-C – Measuring Sign Height

Sign height measurement for freestanding signs.

Sec. 20.184.03050 Nonconforming Signs.

A nonconforming sign is a sign lawfully erected, established and maintained prior to the effective date of this Division but does not conform to the use regulations and/or standards of height, setback, sign area, or number, etc., for the zone in which it is located or to the regulations of this Chapter.

Sec. 20.184.035055 Nonconforming Sign—Continuation.

All nonconforming signs shall be allowed to continue provided, however, that if the sign shall be destroyed or deteriorated as a result of vandalism, fire, wind flood, age or other cause to the extent where repairs exceed fifty (50) percent of the replacement value of the sign, said sign shall be brought into conformance with this Chapter.

Sec. 20.184.040060 Illegal Signs.

Any sign not legally erected or placed pursuant to the regulations in existence at the time of its erection or placement is an illegal sign and shall be removed immediately; and shall not be re-erected or replaced until the illegal sign or its replacement sign conforms to the provisions of this Chapter. If the illegal sign is not remedied to conform with the provisions of this Chapter, the illegal sign shall be deemed unlawful and is subject to enforcement as provided in Chapter 20.216., or brought into compliance within ninety (90) days of a notice of violation.

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Sec. 20.184.045-065 Variances and Exceptions.

In order to reduce practical difficulties and unnecessary hardships inconsistent with the objectives of this Chapter, the ~~Zoning Administrator~~Planning Commission may grant variances pursuant to Chapter 20.200 of the Zoning Code with respect to the regulations prescribed herein relating to the height, area, location, or number of signs.

Exceptions from the Regulations for Specific Sign Types provided in section 20.184.040 may be granted by the Zoning Administrator upon approval of an Administrative Permit.

CHAPTER 20.190 ADMINISTRATION

Sec. 20.190.005 Authorities.

- (A) This chapter lays out the basic roles, responsibilities, and functions of all planning authorities, including the Board of Supervisors, Planning Commission, Zoning Administrator and Planning and Building Services Director.
- (B) Board of Supervisors. The powers and responsibilities of the Board of Supervisors include, but are not limited to the following:
 - (1) Consider and adopt, reject, or modify proposed amendments to the General Plan (including the adoption of a new General Plan), Zoning Code, Zoning Map, specific plans, and environmental documents related to any of the foregoing, pursuant to the provisions of the Amendments to the General Plan, Zoning Code, and Zoning Map section in Chapter 20.212.
 - (2) Hear and decide appeals from decisions of the Planning Commission pursuant to the provisions of the Appeals section in Chapter 20.208.
 - (3) Consider and adopt, reject, or modify development agreements, including environmental documents and any other planning approvals related to the development agreement, following a public hearing and recommended action by the Planning Commission.
 - (4) Establish, by resolution, a County fee schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Division.
- (C) Planning Commission. The powers and responsibilities of the Planning Commission include, but are not limited to the following:
 - (1) Approve, modify, or deny parcel maps, tentative maps, use permits, and variances.
 - (2) Make recommendations to the Board of Supervisors on proposed amendments to the General Plan, Zoning Code, and Zoning Map, specific plans, and environmental documents related to any of the foregoing.
 - (3) Hear and decide appeals from decisions of the Director or the Zoning Administrator.
 - (4) Hear and decide proposals to revoke use permits.
 - (5) Consider and adopt environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law, or make recommendations regarding the same when the final approval authority for a project is the Board of Supervisors.
 - (6) Make recommendations to the Board of Supervisors on development agreements, including environmental documents and any other planning approvals related to the development agreement.
 - (7) Such other powers and responsibilities as assigned or directed by the Board of Supervisors.
- (D) Planning and Building Services Director. The powers and responsibilities of the Planning and Building Services Director (“the Director”), or his/her designee, include, but are not limited to the following:
 - (1) Perform all the functions designated by State law, including, but not limited to the following:
 - (a) Prepare the annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
 - (b) Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
 - (c) Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.

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- (2) Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
- (3) Clarify or make determinations when ambiguities exist with regard to the meaning of any provision of this Code or their application to a specific parcel or project.
- (4) Prepare rules and procedures necessary for conducting the Director's business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping).
- (5) Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950.
- (6) Act as the Zoning Administrator, or designate a different member of the Department to serve as Zoning Administrator, for the purpose of acting on administrative permits pursuant to Chapter 20.192.
- (7) Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- (8) Make recommendations to the Planning Commission and Board of Supervisors on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Division.
- (9) Delegate administrative functions to members of the Department.
- (10) Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

Sec. 20.190.010 Public Hearing Procedures and Noticing.

- (A) Public Hearings Required. Public hearings shall be provided as required by the Planning and Zoning Law (Government Code Section 65000 *et seq.*), including but not limited to the following types of actions:
 - (1) Adoption or amendment to the General Plan, pursuant to Government Code Sections 65353 and 65355.
 - (2) Adoption or amendment of the Zoning Code or the Zoning Map, pursuant to Government Code Sections 65854 and 65856.
 - (3) Variances, conditional use permits or equivalent development permits, any proposed revocation or modification of such permits, or an appeal taken from any approval of such applications pursuant to Government Code Section 65905.
- (B) Notice of public hearings shall be provided consistent with Government Code Section §§ 65090-96, as further specified in this Code, and pursuant to any County procedures adopted pursuant to this Code. Failure to receive the notice required by Government Code Section 65091 shall not invalidate any action on the application. Any hearing may be continued to a specific time, date and place without further public notice.
- (C) Conduct of Public Hearing. A public hearing shall include the following elements identified below.
 - (1) The hearing body shall review the application and any pertinent materials submitted with the application, and any report based on County staff's investigation and review of the application.
 - (2) During any public hearing, the applicant shall have the right to be represented to provide testimony and to present evidence.
 - (3) Members of the public shall have the right to comment on any relevant aspect of the application under consideration.

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- (4) Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, or continue the subject of the public hearing.
- (5) If the action is taken to continue the item being considered before adjournment or recess, the person presiding at the public hearing shall either (1) publicly announce the time and place to which the hearing will be continued, in which case no further notice shall be required, or (2) announce that the item is being continued to a date uncertain, in which case the continued hearing date shall be noticed in the same manner and to the same extent as initially noticed.
- (6) The decision of the hearing body shall be considered final unless a decision is appealed. In all cases, the Board of Supervisors shall represent the final approval authority of the County.

Sec. 20.190.015 Modification or Revocation of Approved Permits or Approvals.

This section provides procedures for securing modification or revocation of previously approved permits or approvals.

- (A) **Modifications.** Modification of a permit or approval may include modifying the terms of the permit or approval itself, including changing or adding to the use of the property, or the waiver, alteration or imposition of new conditions of the operational aspect of the project, including buffers, duration of the permit, hours of operation, noise, landscaping, maintenance, lighting, parking, performance guarantees signs, surfacing, traffic circulation or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.
- (B) **Application for Modification; County Action.** Any person with an approved permit or approval may apply for a modification of that permit or approval, or the County may commence an action to modify a permit or approval, which may be initiated by order of the Director, the Planning Commission or the Board of Supervisors.
- (C) **Revocation.** The County's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original permit or approval.
- (D) **Process.** Modifications shall follow the same procedure in which the permit or approval was originally approved and by the same body which made the approval.
 - (1) **Hearings Required.** The hearing body shall hold a public hearing to modify or revoke a permit or approval in compliance with the provisions of this Division. The hearing shall be conducted as required by this Division.
 - (2) **Notice of Hearing.** Notice of the required public hearing shall be made in compliance with Section 20.190.010. In addition, the County shall provide a notice of intention to revoke or modify a permit or approval to the owner(s) of the subject property as shown on the latest assessment roll and any current occupants of the property not less than ten (10) days before the public hearing at which the revocation will be considered.
 - (3) **Notice of Decision.** Written notice of the action to revoke or modify a permit or approval shall be sent to the applicant, if any, and to the owner of the subject property as shown on the latest assessment roll, any current occupants of the property, or as indicated by more recent information as may be available to the County.
 - (4) **Appeal.** A decision on a permit modification or revocation may be appealed pursuant to Chapter 20.208.
- (E) **Grounds for Modification or Revocation.** Grounds for modification or revocation include, but are not limited to the following:
 - (1) Compliance with any term or condition of the permit or approval has not been achieved or maintained.

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- (2) The property or portion thereof subject to the permit or approval is used or maintained in violation of any statute, ordinance, law, or regulation.
 - (3) False or erroneous information in the record as to a material matter or significant issue regarding the permit or approval.
 - (4) The use for which the permit or approval was granted has been determined to be detrimental to the public health, safety, or welfare and is a nuisance.
 - (5) Changes in technology or in the type or amount of development in the vicinity of the use, or other good cause, warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses or other property within the general area in which the use is located.
- (F) Automatic Revocation. If a permit or approval is granted or modified subject to one (1) or more conditions, such permit or approval shall cease to be valid, and all rights or privileges granted thereby shall lapse, notwithstanding any other provisions of this Division to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one (1) or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one (1) or more of such conditions.

Sec. 20.190.020 Administrative Withdrawal of Applications.

- (A) Abandonment of Application. The Director may determine that an application has been abandoned due to noncommunication of the applicant of a period of at least one hundred and eighty (180) days. The applicant shall be given notice in writing that the County intends to deem the application abandoned and shall be given an opportunity to provide any missing materials within thirty (30) days of the date of said notice. An abandoned application cannot be reinstated.
- (B) Notice of Abandoned Application. Final notice of an abandoned application shall be mailed to the applicant if no response is received, or if missing materials are not provided. The final notice shall be placed in the application file.
- (C) Application Fees Refunded. Any funds paid or deposited and not used at the time the application is deemed abandoned shall be refunded to the applicant, upon written request of the applicant submitted within thirty (30) days of the official abandonment date.

Sec. 20.190.025 Application Forms and Fees.

- (A) Application Forms and Materials.
 - (1) Application Forms. The Director shall prepare, approve and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Division.
 - (2) Application to be signed by the owner of the property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Director, shall accompany the application.
 - (3) Supporting Materials. The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, staking and flagging, material samples, and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
 - (4) Availability of Materials. All submitted material becomes the property of the County, may be distributed to the public, and shall be made available for public inspection. At any time, upon

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reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning and Building Services Department offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.

- (5) Indemnification. Applicants shall be required to agree to indemnify the County as specified in County Code Section 1.04.120 Indemnification and Hold Harmless for Land Use Approvals.
- (B) Multiple Applications; Concurrent Processing. Multiple applications for the same project may be processed concurrently. Each application shall be reviewed and approved or denied by the entity designated by this Division. In the case of concurrent applications which require review and approval by a lower authority and a higher authority (e.g., Planning Commission and Board of Supervisors), the lower authority would serve as the recommending body to the higher decision-making body.
- (C) Application Fees.
 - (1) Fee Schedule. The Board of Supervisors shall approve by resolution a Fee Schedule that establishes fees or deposits for permits, procedures for processing fees or deposits, informational materials, penalties, copying, and other such items.
 - (2) Fee Payment. No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
 - (3) Refund of Fees. Application fees which have not been used to account for staff time reviewing the application are refundable prior to action being taken. Once action has been taken fees are non-refundable, unless otherwise provided for in the Mendocino County Code or by policy of the County.

Sec. 20.190.030 Review of Applications.

- (A) Initial Completeness Review. The Director shall determine whether an application is complete within thirty (30) days of the date the application is filed and the required fee received, whichever is later, except for legislative acts (zoning amendments, Specific Plans, etc.) or where this time limit is superseded by state law.
- (B) Incomplete Application. If an application is deemed incomplete, the Director or their designee shall provide written notification to the applicant listing the application(s), forms, information, and any additional fees that are necessary to complete the application.
- (C) Appeal of Determination. Determinations of incompleteness are subject to the provisions Chapter 20.208 (Appeals).

CHAPTER 20.192 ADMINISTRATIVE PERMITS

Sec. 20.192.005 Declaration.

The purpose of this Chapter is to provide for the issuance of Administrative Permits. The Administrative Permit procedure shall be applied as required by this Division.

Sec. 20.192.010 Original Jurisdiction.

The original jurisdiction shall be exercised over Administrative Permits as follows:

- (A) Concurrent Application. When an application for granting or modifying an Administrative Permit is submitted concurrently with an application for a use permit, variance, General Plan amendment or zone reclassification related to the same property, the administrative permit shall be under the jurisdiction of the officer or body having jurisdiction over the use permit, variance, General Plan amendment or zone reclassification, and shall be reviewed and decided concurrently with such other application. A use permit may include authorization for any use, structure, or action for which an ~~administration~~ Administrative Permit is required, in which case no Administrative Permit is required.
- (B) Regular Administrative Permit. All other Administrative Permits shall be designated as regular Administrative Permits and applications for their granting or modification shall be under the jurisdiction of the Zoning Administrator unless specified otherwise. The Zoning Administrator may refer an application for an Administrative Permit to the Planning Commission for consideration.

Sec. 20.192.015 Application and Fee.

- (A) Applications for Administrative Permits shall be filed with the Department upon such forms and accompanied by such plans and data as may be prescribed by the Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee.
- (B) The Department shall review the application and determine whether the requested use is allowable under the existing zoning classification. If it finds that it is, the application shall be processed pursuant to this Chapter.
- (C) If the Department finds that the requested use is not allowable under the existing zoning classification, the Planning and Building Services Department shall notify the applicant that the application may not be further processed and that this decision may be administratively appealed pursuant to Chapter 20.208 (Appeals). Should the Department's decision be reversed on administrative appeal, the application shall be processed pursuant to this Chapter.

~~Application of an Administrative Permit or modification thereof shall be filed with the Planning and Building Services Department unless specified otherwise upon such forms and accompanied by such plans and data as may be prescribed by the Planning and Building Services Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee, no part of which is refundable.~~

Sec. 20.192.020 ~~Review and Evaluation~~Findings.

~~The administering agency shall review and evaluate Administrative Permit applications for conformance with the standards and criteria set forth in the pertinent sections of this Division, and its~~

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~~review and evaluation shall not exceed the scope of said standards and criteria. All of the following findings must be made in order to approve an Administrative Permit:~~

- ~~(A) The proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Division and all other titles of the Mendocino County Code, General Plan, and any applicable Specific Plan;~~
- ~~(B) The proposed use will not constitute a nuisance or be detrimental to the public health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or 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 welfare, the finding shall be to that effect;~~
- ~~(C) The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Division;~~
- ~~(D) That adequate utilities, access roads, drainage improvements and other necessary facilities have been or are being provided.~~

Sec. 20.192.025 Decision and Notice.

- (A) Action. Upon completion of agency review and evaluation of an application for an Administrative Permit, the ~~administering agency~~Zoning Administrator shall ~~hold a public hearing and~~ either:
 - (1) Make ~~such all of the~~ findings ~~specified in Section 20.192.020 and any~~ other determination as is required by the pertinent sections of this Division and approve the application, or
 - (2) Notify the applicant of the changes and modifications required for approval of the application, or
 - (3) Deny the Administrative Permit. The ~~administrative agency~~Zoning Administrator shall deny the permit if:
 - (a) The permit cannot be conditioned by adequate requirements to ensure compliance with applicable regulations, or
 - (b) The application for the permit cannot reasonably be modified to conform to the applicable requirements; ~~or~~
 - (c) The required findings cannot be made.
- (B) Time Period for Review and Approval. ~~Review and approval of Administrative Permits shall be governed by the provisions of the Permit Streamlining Act (Government Code Section 65920 et seq.), as it may be amended from time to time. Within thirty (30) days of filing of a complete application for an Administrative Permit, the administering agency shall take such action as is specified in Subsection (A) of this Section. The thirty (30) days time period may be extended with the written consent of the applicant. If the administering agency does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures.~~
- (C) Public Hearing ~~and Notice~~. A public hearing shall ~~not be held unless the administering agency determines that such hearing would be in the best interest of the County~~be held and noticed pursuant to the provisions of Section 20.190.010.
- (D) Notice of Decision. ~~The decision to approve or deny an application for an Administrative Permit shall be provided to the applicant in writing. The notice of decision shall include:~~
 - (1) The decision regarding the Administrative Permit and the date of the decision.
 - (2) Any conditions of approval.

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(3) The deadline for the public or the applicant to file an appeal of the decision, which shall as provided in Chapter 20.208 (Appeals).

(E) Effective Date. The decision to approve or deny an application for an Administrative Permit shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

Sec. 20.192.030 Conditional Administrative Permits.

Any Administrative Permit granted may be subject to such conditions or restrictions deemed necessary by the Zoning Administrator or Board of Supervisors to secure the purposes of this Division and ensure that the project's operation will allow all of the findings for approval to be made. The Zoning Administrator or Board of Supervisors and may require such reasonable guarantees and evidence that such conditions are being, or will be, complied with. Conditions of approval may also require that specific actions take place by specified deadlines. Noncompliance with conditions of approval may result in revocation of an Administrative Permit as provided in this Chapter.

Administrative Permits are not required to have an expiration date, though any Administrative Permit may be limited to a term and expiration date set when the Administrative Permit is granted. The establishment, maintenance or operation of any use under this section shall cease at the end of the term, if any, of the Administrative Permit.

Sec. 20.192.035 Appeal.

The decision made pursuant to Sections 20.192.025 (Decision and Notice) or 20.192.060 (Revocation or Modification) may be appealed as provided in Chapter 20.208 (Appeals).

~~**Sec. 20.192.040 Discontinuance.**~~

~~Each Administrative Permit granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned.~~

Sec. 20.192.04~~50~~ Expiration.

Each valid unrevoked and unexpired Administrative Permit shall expire and become null and void at either: at the time specified in each permit, or if no time is specified, at the expiration of one (1) year after granting except where construction and/or use of the property in reliance on such permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 20.192.050.

(A) the expiration of two (2) years after granting, except where construction and/or use of the property in reliance on such permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 20.192.045; or

(A)(B) the expiration date specified in such Administrative Permit, if an expiration date is specified.

Sec. 20.192.05~~045~~ Application for Extension.

If prior to expiration of the Administrative Permit pursuant to Section 20.192.040(A), the applicant files a written application for extension, the period within which construction or use of the property in

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reliance on the permit must be commenced may be extended by order of the administering agency Zoning Administrator at any time within ninety (90) days after the date of expiration as originally established. An application for such an extension shall be made on the prescribed form, and shall be filed with the authority which granted the Administrative Permit Department. The period within which construction and/or use of the property in reliance on administrative permit must be commenced may be extended subject to conditions, as provided by Section 20.192.030. Decisions of the administering agency Zoning Administrator may be appealed as provided by Chapter 20.208 (Appeals).

Sec. 20.192.050 Discontinuance.

Each Administrative Permit granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned.

Sec. 20.192.055 Renewal.

Should an Administrative Permit be granted with a specific term and expiration date, on or before the date of expiration of an Administrative Permit the person holding the permit shall apply for a renewal of said permit if the use is to be continued beyond the date of expiration. Application for renewal shall be submitted in compliance with Section 20.192.015 and be processed pursuant to Section 20.192.025. The time limit for completion of use permit conditions may be extended by the Zoning Administrator for a maximum of one hundred eighty (180) days.

Sec. 20.192.055 Application for Modification.

Any person holding an Administrative Permit may apply for a modification by complying with Section 20.192.015 (Application and Fee). For the purposes of this Section, the modification of an administrative permit may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed pursuant to Section 20.192.030 (Conditions). Sections 20.192.005 (Declaration) through 20.192.060 (Revocation), inclusive, shall apply to the disposition of an application for the modification of an Administrative Permit.

Sec. 20.192.060 Revocation or Modification.

An Administrative Permit may be revoked or modified for cause as provided by the provisions of Section 20.190.015 this Section. For purposes of this Section, the modification of an Administrative Permit may include the modification of the terms of the permit itself or the waiver, alteration or imposition of new conditions pursuant to Section 20.192.030 (Conditions).

- (A) Grounds for Revocation or Modification. An Administrative Permit may be revoked or modified pursuant to the provisions of this Section upon a finding of any one (1) or more of the following grounds:
- (1) That such permit was obtained or extended by fraud;
 - (2) That one (1) or more of the conditions upon which such permit was granted have been violated;
 - (3) 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.
- (B) Notification. The administering agency shall give:

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- ~~(1) Ten (10) days notice of intention to revoke or modify an Administrative Permit (except that notice of intention need not be given with respect to an administrative permit issued pursuant to the Temporary Use Regulations); and~~
- ~~(2) Written notice of the action in revoking or modifying the permit to the applicant and to the owner of the subject property as shown on the latest assessment rolls or as indicated by more recent information as may be available to the administering agency.~~
- ~~(C) Appeal. The revocation or modification of an Administrative Permit may be appealed pursuant to Chapter 20.208.~~

~~Sec. 20.192.065 Automatic Revocation.~~

~~If an Administrative Permit is granted or modified subject to one (1) or more conditions, such administrative permit shall cease to be valid, and all rights or privileges granted thereby shall lapse, notwithstanding any other provisions of this Division to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one (1) or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one (1) or more of such conditions.~~

~~Sec. 20.192.07065 Reapplication.~~

No application for an Administrative Permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

- (A) Denial by Zoning Administrator. If the Zoning Administrator denied the Administrative Permit, permission to reapply may be granted by the Zoning Administrator or the Board of Supervisors.
- ~~(B) Denial by Planning Commission. If the Planning Commission denied the Administrative Permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors~~
- (B) Denial by the Board of Supervisors. If the Board of Supervisors has denied the Administrative Permit, permission to reapply may be granted by the Board of Supervisors.

~~Sec. 20.192.07570 Nuisance.~~

The granting or modification of any Administrative Permit shall not authorize or legalize the maintenance of any private or public nuisance.

~~Sec. 20.192.075 Notice to Assessor.~~

~~Whenever an Administrative Permit is granted with respect to any property, the Department shall, within thirty (30) days, notify the County Assessor.~~

CHAPTER 20.196 USE PERMITS

Sec. 20.196.005 Declaration.

A use permit may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval.

Sec. 20.196.010 Original Jurisdiction.

The original jurisdiction shall be exercised over use permits as follows:

- ~~(A) Use Permit. Applications for granting, extending time limits, or modifying the conditions of a use permit shall be under the original jurisdiction of the Planning Commission.~~
- ~~(BA) Concurrent Application. When an application for granting or modifying a Minor Use Permit use permit is submitted concurrently with an application for a Major Use Permit zone reclassification and/or General Plan amendment, related to the same property, the Minor Use Permit use permit shall be under the jurisdiction of the officer or body having jurisdiction over the Major Use Permit, Board of Supervisors and shall be reviewed and decided concurrently with such other application and the Planning Commission shall make a recommendation to the Board of Supervisors on the application.~~
- ~~(B) Major Use Permit. Applications for granting, extending time limits, or modifying the conditions of a Major Use Permit shall be under the original jurisdiction of the Planning Commission.~~
- ~~(C) Minor Use Permit. Applications for granting, extending time limits, or modifying the conditions of a Minor Use Permit shall be under the original jurisdiction of the Zoning Administrator. The Zoning Administrator may refer items to the Planning Commission or Board of Supervisors for consideration. The Planning Commission or Board of Supervisors may direct the Zoning Administrator to refer a Minor Use Permit to be heard at either level.~~

Sec. 20.196.015 Application and Fee.

- ~~(A) Applications for use permits shall be filed with the Planning and Building Services Department upon such forms and accompanied by such plans and data as may be prescribed by the Planning and Building Services Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee.~~
- ~~(B) The Planning and Building Services Department shall review the application and determine whether the requested use is allowable under the existing zoning classification. If it finds that it is, the application shall be processed pursuant to this Chapter.~~
- ~~(C) If the Planning and Building Services Department finds that the requested use is not allowable under the existing zoning classification, the Planning and Building Services Department shall notify the applicant that the application may not be further processed and that this decision may be administratively appealed pursuant to Chapter 20.208 (Appeals). Should the Planning and Building Services Department's decision be reversed on administrative appeal, the application shall be processed pursuant to this Chapter.~~

Sec. 20.196.020 Findings.

~~All of the following findings must be made in order to approve a use permit Before any use permit may be granted or modified, it shall be shown:~~

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- (A) ~~The proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Division and all other titles of the Mendocino County Code, General Plan, and any applicable Specific Plan That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;~~
- (B) ~~The proposed use will not constitute a nuisance or be detrimental to the public health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or 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 welfare, the finding shall be to that effect That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;~~
- (C) ~~The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Division That 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;~~
- (D) ~~That adequate utilities, access roads, drainage improvements and other necessary facilities have been or are being provided That such use preserves the integrity of the zoning district.~~

Sec. 20.196.025 Decision and Notice.

- (A) Action. Upon completion of review and evaluation for a use permit the ~~Zoning Administrator or Planning Commission shall hold a public hearing and shall either:-~~
 - (1) Make ~~such all of the~~ findings ~~specified in Section 20.196.020 and any other~~ determination as is required by the pertinent sections of ~~the Zoning Code this Division~~ and approve the application;
 - (2) Notify the applicant of the changes and modifications required for approval of the application: or
 - (3) Deny the use permit. The ~~Zoning Administrator or~~ Planning Commission shall deny the use permit if:
 - (a) The use permit cannot be conditioned by adequate requirements to ensure compliance with applicable regulations, or
 - (b) The application for the use permit cannot reasonably be modified to conform to the applicable requirements; or
 - (c) The required findings cannot be made.
- (B) Time Period for Review and Approval. ~~Review and approval of use permits shall be governed by the provisions of the Permit Streamlining Act (Government Code Section 65920 et seq.), as it may be amended from time to time. Within one hundred eighty (180) days of filing of a complete application for a use permit the Zoning Administrator or Planning Commission shall take such action as is specified in subsection (A) of this Section. The one hundred eighty (180) day time period may be extended ninety (90) days with the written consent of the applicant. If the Zoning Administrator or Planning Commission does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures.~~
- (C) Public Hearing and Notice. A public hearing shall be held and noticed pursuant to the provisions of Section 20.190.010.

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- ~~(1) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.~~
 - ~~(2) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.~~
 - ~~(3) At least ten (10) days prior to the hearing on a use permit, notice of the hearing shall be mailed or delivered to all persons, including businesses, corporations, or other public or private entities shown on the last equalized assessment role as owning real property within three hundred (300) feet of the property which is the subject of the proposed use permit.~~
 - ~~(4) Notice of the hearing of the proposed use permit shall be published at least ten (10) days prior to the hearing and at least once in a newspaper of general circulation, published and circulated in the County.~~
 - ~~(5) In the event that the number of owners to whom notice would be sent is greater than one thousand (1000), the County may, as an alternative to the notice requirements above, provide notice at least ten (10) days prior to the hearing by either of the following procedures:
 - ~~(a) By placing a display advertisement of at least one-eighth (1/8) page in a newspaper having general circulation within the area affected by the proposed ordinance or amendment; or~~
 - ~~(b) By placing an insert with any generalized mailing sent by the County to property owners in the area affected by the proposed ordinance or amendment, such as billings for County services.~~~~
 - ~~I(6) Failure to receive the notice required by this Section shall not invalidate the ordinance or amendment.~~
 - ~~(7) This Section shall not apply to a proposed zoning ordinance or to an amendment to an existing zoning ordinance which does not affect the permitted uses of real property within the County.~~
 - ~~(8) In addition to the notice required by this Section, notice may be given in any manner which is deemed necessary or desirable.~~
 - ~~(9) The notice of hearing shall include the following:
 - ~~(a) Time and date of hearing;~~
 - ~~(b) Address and place;~~
 - ~~(c) A general explanation of the use permit to be considered;~~
 - ~~(d) A general description of the area affected;~~
 - ~~(e) A statement that the decision of the Zoning Administrator or Planning Commission shall be final unless appealed within ten (10) days thereafter;~~
 - ~~(f) A statement to the effect that any interested person who so requests shall be notified of the Zoning Administrator action or Planning Commission action.~~~~
- (D) Notice of Decision. The decision to approve or deny an application for a use permit shall be provided to the applicant in writing. The notice of decision shall include:
- (1) The decision regarding the use permit and the date of the decision.
 - (2) Any conditions of approval.

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- (3) The deadline for the public or the applicant to file an appeal of the decision, which shall as provided in Chapter 20.208 (Appeals).
- (E) Effective Date. The decision to approve or deny an application for a use permit shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

Sec. 20.196.030 Conditional Use Permit.

Any use permit granted may be subject to such conditions or restrictions deemed necessary by the ~~Zoning Administrator or~~ Planning Commission to secure the purposes of this Division and ensure that the project's operation will allow all of the findings for approval to be made. The Planning Commission or Board of Supervisors ~~and~~ may require such reasonable guarantees and evidence that such conditions are being, or will be, complied with. Conditions of approval may also require that specific actions take place by specified deadlines. Noncompliance with conditions of approval may result in revocation of a use permit as provided in this Chapter. The term "use permit" is interchangeably used with the term "Conditional Use Permit".

Use permits are not required to have an expiration date, though any use permit may be limited to a term and expiration date set when the use permit is granted. The establishment, maintenance or operation of any use under this section shall cease at the end of the term, if any, of the use permit.

Sec. 20.196.035 ~~Effective Date~~Appeal.

The decision made pursuant to Sections 20.196.025 (Decision and Notice) or 20.196.060 (Revocation or Modification) may be appealed as provided in Chapter 20.208 (Appeals). ~~Decisions of the Zoning Administrator or Planning Commission made pursuant to Section 20.196.025 (Decision and Notice) shall become final and effective on the eleventh (11th) day following the action of the Zoning Administrator or Planning Commission to approve or deny the use permit unless prior to said eleventh (11th) day an appeal of the decision is filed as provided by Chapter 20.208 (Appeal).~~

Sec. 20.196.040 Expiration.

Each valid unrevoked and unexpired use permit shall expire and become null and void at either:

- (A) the expiration of two (2) years after granting, except where construction and/or use of the property in reliance on such permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 20.196.045; or
- (B) the expiration date specified in such use permit, if an expiration date is specified.
- ~~the time specified in such use permit, or if no time is specified, at the expiration of two (2) years after granting except where construction and/or use of the property in reliance on such use permit has commenced prior to its expiration.~~

Sec. 20.196.045 ~~Application for Modification~~Application for Extension.

If prior to expiration of the use permit pursuant to Section 20.196.040(A), the applicant files a written application for extension, the period within which construction or use of the property in reliance on the permit must be commenced may be extended by order of the Zoning Administrator at any time within ninety (90) days after the date of expiration as originally established. An application for such an extension shall be made on the prescribed form and shall be filed with the Department. The period within which

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construction and/or use of the property in reliance on the use permit must be commenced may be extended subject to conditions, as provided by Section 20.196.030. Decisions of the Zoning Administrator may be appealed as provided by Chapter 20.208 (Appeals).

~~Any person holding a use permit may apply for a modification by complying with Section 20.196.015 (Application and Fee). For the purposes of this Section, the modification of a use permit may include modification of the terms of the permit itself the waiver or alteration of conditions imposed pursuant to Section 20.196.025.~~

~~(A) — Definition of Modification. A modification to the use permit shall be processed when, in the opinion of the Planning and Building Services Director, an applicant is requesting a use permit be altered or modified to the extent that:~~

- ~~(1) — A change to the conditions or terms is requested or anticipated;~~
- ~~(2) — A change in the use of the property is proposed which was not identified on the approved use permit;~~
- ~~(3) — Public service demands are increased; or~~
- ~~(4) — The incompatibility of the use to the neighboring property is increased by the proposed changes.~~

~~When, in the opinion of the Planning and Building Services Director, a major revision constituting substantial alteration in the use permit is requested a modification shall not be processed and a new use permit must be applied for.~~

Sec. 20.192.050 Discontinuance.

Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned.

Sec. 20.196.050~~5~~ Renewal.

Should a use permit be granted with a specific term and expiration date, On or before the date of expiration of a use permit the person holding the permit shall apply for a renewal of said permit if the use is to be continued beyond the date of expiration. Application for renewal shall be submitted in compliance with Section 20.196.015 and be processed pursuant to Section 20.196.025. The time limit for completion of use permit conditions may be extended by the Zoning Administrator for a maximum of one hundred eighty (180) days.

- ~~(A) — Renewal of a use permit shall be processed pursuant to Section 20.196.025, or~~
- ~~(B) — The renewal of a use permit may be granted by the Zoning Administrator without a public hearing for a term not exceeding the number of years originally granted provided:
 - ~~(1) — Application for renewal is received in conformance with Section 20.196.015.~~
 - ~~(2) — No additional conditions are recommended by referral agencies or the Planning and Building Services Department.~~
 - ~~(3) — No objection to granting of the renewal application without a public hearing is received within ten (10) days after notice has been given.~~~~
- ~~(C) — The time limit for completion of use permit conditions may be extended by the Zoning Administrator for a maximum of one hundred eighty (180) days.~~

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Sec. 20.196.05560 Revocation or Modification.

A use permit may be revoked or modified ~~for cause~~ as provided by the provisions ~~of this Section 20.190.015. For purposes of this Section, the modification of a use permit may include the modification of the terms of the permit itself or the waiver, alteration or imposition of new conditions pursuant to Section 20.196.025.~~

~~(A) ——— Grounds for Revocation or Modification. A use permit may be revoked or modified pursuant to the provisions of this Section upon a finding of any one (1) or more of the following grounds:~~

~~(1) That such permit was obtained or extended by fraud;~~

~~(2) That one or more of the conditions upon which such permit was granted have been violated;~~

~~(3) 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.~~

~~(B) ——— Initiation of Action. An action to revoke or modify a use permit may be initiated by order of the Board of Supervisors, Planning Commission, or the Zoning Administrator, whichever granted, extended or modified the permit, on its own motion or on the request of any County Officer; the Board of Supervisors may initiate an action to revoke or modify any use permit granted or modified by either the Zoning Administrator or Planning Commission.~~

~~Sec. 20.196.060 Automatic Revocation.~~

~~If a use permit is granted or modified subject to one (1) or more conditions, such use permit shall cease to be valid, and all rights and privileges granted thereby shall lapse, notwithstanding any other provisions of this Division to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one (1) or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement of operation of one (1) or more such conditions. Such use permit revocation is without prejudice and the permit issuing authority having original jurisdiction may reinstitute the use permit with such conditions as to satisfy the court judgment.~~

Sec. 20.196.065 Reapplication.

No application for the granting of a use permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

~~(A) — Denial by Zoning Administrator. If the Zoning Administrator has denied the use permit, permission to reapply may be granted by the Zoning Administrator or the Board of Supervisors.~~

~~(BA) Denial by the Planning Commission. If the Planning Commission has denied the use permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.~~

~~(CB) Denial by the Board of Supervisors. If the Board of Supervisors has denied the use permit, permission to reapply may be granted by the Board of Supervisors.~~

Sec. 20.196.070 Nuisance.

The granting or modification of any use permit shall not authorize or legalize the maintenance of any private or public nuisance.

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Sec. 20.196.075 Notice to Assessor.

| Whenever a use permit is granted with respect to any property, the ~~Planning and Building Services~~ Department shall, within thirty (30) days, notify the County Assessor.

CHAPTER 20.200 VARIANCES

Sec. 20.200.005 Declaration.

A variance is an exception from zone restrictions that is granted by the ~~Zoning Administrator~~Planning Commission upon application which permits the development of real property to vary to a specified extent from area height, yard or space requirements when strict and literal interpretation of the provisions of this chapter create practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Division. Variances shall not be granted to authorize uses or activities which are not otherwise expressly authorized by the zone regulations governing the property.

The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the vicinity and zone.

Sec. 20.200.010 Original Jurisdiction.

The original jurisdiction shall be exercised over variances as follows:

- (A) Concurrent Application. When an application for granting or modifying a variance is submitted concurrently with an application for a use permit, variance, General Plan amendment or zone reclassification related to the same property, the administrative permit shall be under the jurisdiction of the officer or body having jurisdiction over the use permit, variance, General Plan amendment or zone reclassification, and shall be reviewed and decided concurrently with such other application~~granting or modifying a Major Use Permit and said variance would be incidental and necessary to said use permit, the variance shall be designated as a concurrent variance and the application shall be under the original jurisdiction of the Planning Commission.~~
- (B) Regular Variance. All other variances shall be designated as regular variances and applications for their granting or modification shall be under the jurisdiction of the ~~Zoning Administrator~~Planning Commission. ~~The Zoning Administrator may refer an application for a variance to the Planning Commission for consideration.~~

Sec. 20.200.015 Application and Fee.

Applications for a variance or modification thereof shall be filed with the ~~Zoning Administrator~~Department upon such forms and accompanied by such plans and data as may be prescribed by the ~~Zoning Administrator~~Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee.

Sec. 20.200.020 Findings

Before any variance may be granted or modified it shall be shown:

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;
- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;

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- (C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.
- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located;
- (E) That the granting of such variance will not adversely affect the General Plan.

Sec. 20.200.025 Decision and Notice.

- (A) Action. Upon completion of review and evaluation of an application for a variance, the ~~Zoning Administrator~~Planning Commission shall hold a public hearing and shall either:
 - (1) Make ~~such all of the~~ findings specified in Section 20.200.020 and any or other determination as is required by the pertinent sections of this Division and approve the application. The variance may be granted for the full dimensions and extent, or any portion thereof, as requested by the applicant; ~~or~~
 - (2) Notify the applicant of the changes and modifications required for approval of the application; or
 - (3) Deny the variance. The ~~Zoning Administrator~~Planning Commission shall deny the variance if:
 - (a) The variance cannot be conditioned by adequate requirements to ensure compliance with applicable regulations; or
 - (b) The application for the variance cannot reasonably be modified to conform to the applicable requirements; ~~or~~
 - (c) The required findings cannot be made.
- (B) ~~Time Period for Review and Approval. Review and approval of variances shall be governed by the provisions of the Permit Streamlining Act (Government Code Section 65920 et seq.), as it may be amended from time to time. Within one hundred eighty (180) days of filing of a complete application for a variance, the Zoning Administrator shall take such action as is specified in Subsection (A) of this Section. The one hundred eighty (180) day time period may be extended ninety (90) days with the written consent of the applicant. If the Zoning Administrator does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures.~~
- (C) Public Hearing and Notice. A public hearing shall be held and noticed pursuant to the provisions of Section 20.190.010.
 - ~~(1) Notice of the hearing shall be mailed or delivered, at least ten (10) days prior to the hearing, to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment role as owning real property within three hundred (300) feet of the project which is the subject of the proposed variance.~~
 - ~~(2) Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.~~
 - ~~(3) In the event that the number of owners to whom notice would be sent is greater than one thousand (1000), the County may, as an alternative to the notice requirements above, provide notice at least ten (10) days prior to the hearing by either of the following procedures:
 - ~~(a) By placing a display advertisement of at least one-eighth (1/8) page in a newspaper having general circulation within the area affected by the proposed variance; or~~~~

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- ~~(b) By placing an insert with any generalized mailing sent by the County to property owners in the area affected by the proposed variance, such as billings for County services.~~
- ~~(4) Failure to receive the notice required by this Section shall not invalidate the variance.~~
- ~~(5) In addition to the notice as may be required in this Section, notice may be given in any manner which is deemed necessary or desirable.~~
- ~~(6) Notice of the hearing shall include the following:
 - ~~(a) Time and date of hearing;~~
 - ~~(b) Address and place of hearing;~~
 - ~~(c) A general explanation of the variance to be considered;~~
 - ~~(d) A general description of the area affected;~~
 - ~~(e) A statement that the decision of the Zoning Administrator shall be final unless appealed within ten (10) days of the date of decision;~~
 - ~~(f) A statement to the effect that any person who so requests shall be notified of the Zoning Administrator's decision.~~~~
- (D) Notice of Decision. The decision to approve or deny an application for a variance shall be provided to the applicant in writing. The notice of decision shall include:
 - (1) The decision regarding the variance and the date of the decision.
 - (2) Any conditions of approval.
 - (3) The deadline for the public or the applicant to file an appeal of the decision, which shall as provided in Chapter 20.208 (Appeals).
- (E) Effective Date. The decision to approve or deny an application for a variance shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

Sec. 20.200.030 Conditional Variance.

Any variance granted may be subject to such conditions or restrictions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located and ensure that the project's operation will allow all of the findings for approval to be made. The Zoning Administrator Planning Commission, may also require such reasonable guarantees and evidence to ensure compliance with the terms and conditions may be required by the Zoning Administrator or Board of Supervisors. Conditions of approval may also require that specific actions take place by specified deadlines. Noncompliance with conditions of approval may result in revocation of a variance as provided in this Chapter.

Sec. 20.200.035 ~~Effective Date~~Appeal.

The decision made pursuant to Sections 20.200.025 (Decision and Notice) or 20.200.055 (Revocation or Modification) may be appealed as provided in Chapter 20.208 (Appeals). Decisions of the Zoning Administrator made pursuant to Section 20.200.025 (Decision and Notice) shall become final and effective on the eleventh (11th) day following the action of the Zoning Administrator to approve or deny the variance, unless prior to said eleventh (11th) day an appeal of the decision is filed as provided by Chapter 20.208 (Appeals).

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Sec. 20.200.040 Expiration.

Each valid unrevoked and unexpired variance shall expire and become null and void ~~at the time specified in such variance, or if no time is specified,~~ at the expiration of two (2) years after granting except where construction and or use of the property in reliance on such variance has commenced prior to its expiration.

Sec. 20.200.045 Application for ~~Modification~~Extension.

~~If prior to expiration of the variance pursuant to Section 20.200.040, the applicant files a written application for extension, the period within which construction or use of the property in reliance on the variance must be commenced may be extended by order of the Zoning Administrator at any time within ninety (90) days after the date of expiration as originally established. An application for such an extension shall be made on the prescribed form and shall be filed with the Department. The period within which construction and/or use of the property in reliance on the variance must be commenced may be extended subject to conditions, as provided by Section 20.200.030. Decisions of the Zoning Administrator may be appealed as provided by Chapter 20.208 (Appeals). Any person holding a variance may apply for a modification by complying with Section 20.200.015 (Application and Fee). For the purposes of this Section, the modification of a variance may include modification of the terms of the variance itself or the application, waiver or alteration of conditions imposed pursuant to Section 20.200.030 (Conditional Variance).~~

Sec. 20.200.050 Revocation or Modification.

A variance may be revoked or modified ~~for cause~~ as provided by the provisions of ~~this s~~Section 20.190.015. ~~For purposes of this Section, the modification of a variance may include modification of the terms of the variance itself or the waiver alteration or imposition of new conditions pursuant to Section 20.200.030 (Conditional Variance).~~

~~(A) ——— Grounds for Revocation or Modification. A variance may be revoked or modified pursuant to the provisions of this Section on any one (1) or more of the following grounds:~~

~~(1) That such variance was obtained or extended by fraud;~~

~~(2) That one (1) or more of the conditions upon which such variance was granted have been violated;~~

~~(3) That the use for which the variance was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.~~

~~(B) ——— Initiation of Action. An action to revoke or modify a variance may be initiated by order of the Board of Supervisors, or the Zoning Administrator, whichever granted or modified the variance, on its own motion or on the request of any County Officer; provided however that the Board of Supervisors may initiate an action to revoke or modify any variance granted or modified by the Zoning Administrator.~~

Sec. 20.200.055 ~~Automatic Revocation~~Discontinuance.

~~Each variance granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned. If a variance is granted or modified subject to one (1) or more conditions, such variance shall cease to be valid, and all rights or privileges granted thereby shall lapse, notwithstanding any other provisions of the Zoning Code to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one (1) or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement of operation of one (1) or more such conditions.~~

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Sec. 20.200.060 Reapplication.

No application for a variance which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

~~(A) Denial by Zoning Administrator. If the Zoning Administrator has denied the variance, permission to reapply may be granted by the Zoning Administrator or the Board of Supervisors.~~

~~(BA) Denial by the Planning Commission. If the Planning Commission has denied the variance, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.~~

~~(BCB)~~ Denial by the Board of Supervisors. If the Board of Supervisors has denied the variance, permission to reapply may be granted by the Board of Supervisors.

Sec. 20.200.065 Nuisance.

The granting or modification of any variance to these provisions shall not authorize or legalize the maintenance of any private or public nuisance.

Sec. 20.200.070 Notice to Assessor.

Whenever a variance is granted with respect to any property, the Department shall, within thirty (30) days, notify the County Assessor.

CHAPTER 20.204 NONCONFORMING USES AND STRUCTURES

Sec. 20.204.005 Declaration.

- (A) A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Division but which does not conform with the use regulations for the zone in which it is located.
- (B) A nonconforming structure is a structure which was lawfully erected prior to the effective date of the application of these regulations but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located.
- (C) Chapter 20.124 ("IS" Combining District) may be utilized to identify uses and establish regulations thereto.

Sec. 20.204.010 Continuation and Maintenance.

- (A) A use lawfully occupying a structure or a site prior to the effective date of the application of these regulations which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued as provided in this Chapter.
- (B) A structure lawfully occupying a site prior to the effective date of the application of these regulations which does not conform with the standards of front yards, side yards, rear yards, height of structures, distances between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained as provided in this Chapter.
- (C) Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, and on a nonconforming structure.

Sec. 20.204.015 Restoration of Damaged Structures.

~~(A) —Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:~~

~~(A) Rebuilt to its previous dimensions and arrangement and utilized to the same extent prior to its destruction provided the following timelines are satisfied:~~

~~(1) a demolition permit is obtained and receives a final inspection within one (1) year of issuance.~~

~~(2) a building permit for the restoration is submitted within one (1) year of the date of final inspection of the demolition permit, and~~

~~(3) restoration is started within one (1) year from date of submittal of the building permit for the restoration and diligently pursued to completion.~~

~~A one-time one (1) year extension to each of these timelines may be granted by the Director; or~~

~~(B) Rebuilt, if the nonconforming structure is destroyed by involuntary means or forces out of control of the owner(s), provided it shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent; shall be sited in the same location on the affected property as the destroyed structure except that no part of the ten (10) percent addition shall encroach further into the setback than the original structure; and further provided the following timelines are satisfied:~~

~~(1) a demolition permit is obtained and receives a final inspection within one (1) year of issuance.~~

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(2) a building permit for the restoration is submitted within one (1) year of the date of final inspection of the demolition permit, and

(3) restoration is started within two (2) years from date of submittal of the building permit for the restoration and diligently pursued to completion.

A one-time one (1) year extension to each of these timelines may be granted by the Director.

~~(1) Whenever a structure, the use of which does not conform with the regulations for the zone in which it is located or a structure which does not comply with the standards of yard spaces, height of structures, distances between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located shall be destroyed by fire or other calamity or by act of God or by the public enemy, the structure may be restored and the nonconforming use may be resumed provided restoration is started within one (1) year and diligently pursued to completion.~~

~~(B) Whenever a structure, the use of which does not conform with the regulations for the zone in which it is located, or a structure which does not comply with the standards of yard spaces, height of structures, distance between structures, parking, etc., prescribed in the regulations for the zone in which it is located shall be voluntarily razed, the structure shall not be restored except in full conformity with the regulations of the zone in which it is located, and the nonconforming use shall not be resumed.~~

Sec. 20.204.020 Alterations and Additions to Nonconforming Uses and Structures.

- (A) A nonconforming use may increase its volume of operation provided the structure is not altered or enlarged to accommodate its increase without obtaining a use permit.
- (B) No nonconforming structure shall be moved, altered, enlarged, or reconstructed in a manner that does not conform to the minimum standards of yard areas, height of structures, distances between structures, parking, and other applicable requirements prescribed in the regulations for the district in which the structure is located; provided, however, a nonconforming structure may be altered and/or enlarged provided it does not increase the existing level of nonconformity. Such constructions shall be reviewed and approved by the Zoning Administrator.

Sec. 20.204.025 Expansion of Nonconforming Uses and Structures.

- (A) A nonconforming use or structure may be expanded provided an Minor Use Administrative Use Permit is obtained. Prior to the issuance of any use p Administrative Use Permit to expand a nonconforming use or structure, the Zoning Administrator shall make a finding that the expansion conforms to the standards Findings established in Section 20.196.1962.020 ~~(Use Permits—Standards)~~ for the granting of a use permitan Administrativea Use Permit and that the following conditions are applicable:
 - (1) That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;
 - (2) That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;
 - (3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location.
- (B) A legal nonconforming mobile home may be replaced by a new mobile home without a usean Administrative a Use P permit if no use permit Administrative Use Permit was required for the original installation.

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Sec. 20.204.030 Previous Use Permits in Effect.

Any use in existence, by virtue of a use permit issued pursuant to zoning regulations previously in effect, at the time of application of the regulations for any district in this Division, which use under such new regulations is not permissible by use permit may continue in existence but only as regulated by the provisions and terms of the existing use permit.

Sec. 20.204.035 Abandonment or Conversion of Nonconforming Uses.

- (A) Whenever a nonconforming use has been abandoned, discontinued for any reason, or changed to a conforming use, for a continuous period of one (1) year, the nonconforming use shall not be reestablished, and the use of the structures or site thereafter shall be in conformity with the regulations for the zone in which it is located.
- (B) A nonconforming use of a structure or site may be changed to another nonconforming use at the same or more restricted level of intensity as determined by the Planning and Building Services Director, provided an Administrative Permit is obtained pursuant to Chapter 20.192 and provided the following findings are made:
 - (1) That it is not reasonably, economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;
 - (2) That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;
 - (3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location.

Sec. 20.204.040 Non-Conforming Lot Area

When any ownership is comprised of a single lot which has been legally created and is subsequently zoned to a minimum parcel size larger than the existing parcel, said lot shall not be subject to requirements for variance to minimum lot size.

Sec. 20.204.040-045 Nuisances.

- (A) None of the provisions of this Chapter restrict any authority to require modification or termination of any nonconformity which has been declared a nuisance by the Board of Supervisors.

PROPOSED FOR REPEAL

**CHAPTER 20.206 EXTENSION OF TIME FOR QUALIFYING CLEAN
SLATE/BLUR II APPLICANTS**

Sec. 20.206.005 Declaration.

The purpose and intent of this Chapter is to provide an additional extension to those Clean Slate/BLUR II applicants who were granted the previous one (1) year extension, but who were not able to complete the required work prior to the expiration of the one (1) year extension on August 1, 1989.

Sec. 20.206.010 Standards.

- (A) Applicants must meet basic health, safety, structural and environmental standards of the Clean Slate Program (MCC Section 18.04.090).
- (B) All dwellings must show evidence of current residential uses as described by the applicant, at the time of the site review inspection.
- (C) Vacant and/or abandoned dwellings shall not be certified for anticipated future uses.
- (D) Residential density including accessory residential structures that existed prior to April 24, 1982, shall be recognized as legal nonconforming, provided the structures can and will meet the health, safety and environmental standards required by this program. Nothing shall prohibit the erection of new structures of equivalent size with all the necessary and proper permits, to replace existing residential uses. Under this program, approved existing units shall be eligible for temporary occupancy for a period of three years, which shall include the initial two (2) year period along with the one (1) year extension. An additional extension shall be provided which shall expire on August 1, 1991 to allow for the completion of all requirements under the Clean Slate/BLUR II Program, provided the existing unit(s) have received temporary clearances from the appropriate agencies.
- (E) The applicant shall sign an indemnity agreement in connection with the application.
- (F) All applicants who were granted extensions to complete all Clean Slate/BLUR II requirements by August 1, 1989 shall be granted an additional two (2) year extension which shall expire on August 1, 1991. Failure to satisfy all Clean Slate/BLUR II requirements during the period of this extension shall result in enforcement as specified in subsection (L) of this section.
- (G) No additional extensions shall be granted.
- (H) If the subject property and the development thereon are located in areas of geologic (slope/erosion) and/or flood hazard, an engineering report will be required from a licensed engineer to address those concerns. Applicants may be required to relocate such development to a more suitable site if mitigation measures are not possible to implement, or may be subject to abatement (replacement units may be permitted as set out in subsection (D) of this section provided the proper use permits were applied for prior to August 1, 1988).
- (I) Fire protection concerns, mitigation measures, etc., will be addressed by applicable fire protection agencies on a case-by-case basis.
- (J) The County of Mendocino shall record a notice on the title of the subject property noting that the improvements thereon are in violation of building, health and/or zoning regulations which will be withdrawn at the time of compliance. Thereafter a notice shall be attached to the deed that such improvements are legally nonconforming and may not have been built to conventional building codes.
- (K) Appeals filed by an applicant will be to the appropriate body (i.e. planning to the Planning Commission/Board of Supervisors, building to the Building Appeals Board, and health to the Health Officer).

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- (L) Failure to comply with the provisions of this program will result in enforcement of Title 16 for health and safety violations, Title 18 for building code violations and Chapter 20.216 of Title 20 for zoning violations.
- (M) Any residential structure recognized by this process that does not meet the required building, health and environmental standards by August 1, 1991 shall be abated.
- (N) Structures used as residences which can not be upgraded to meet health and safety codes and temporary living structures, i.e. travel trailers, bus conversions, etc., will not be permitted under this program. However, each such unit may establish a density credit provided the occupant of such a unit establishes proof of ownership of the subject property to the satisfaction of the Department of Planning and Building Services prior to April 24, 1982, and can sign a statement demonstrating continuous residential use of the living unit under penalty of perjury since that time. The owner of such units which exceed allowable density may then be able to replace this unit with an approved/permitted dwelling not to exceed six hundred forty (640) square feet provided a minor use permit is granted. The minor use permit process will address the environmental concerns raised by such a replacement proposal.

Sec. 20.206.015 Repealer.

This Chapter shall remain in effect only until August 1, 1991, and as of that date is repealed.

REPEALED

CHAPTER 20.208 APPEALS

Sec. 20.208.005 Declaration.

The purpose of these provisions is to prescribe the procedure by which an appeal may be taken from a decision of the ~~Planning and Building Services~~ Department, ~~Director~~, Zoning Administrator or the Planning Commission made pursuant to the administration or enforcement of the Zoning Code.

Sec. 20.208.010 Administrative Appeals.

- (A) Request for hearing before the Planning Commission may be made by the property owner or any interested person from any decision, determination, or requirement of the ~~Planning and Building Services~~ Department or the Director by filing a notice thereof request in writing with the ~~Planning and Building Services~~ Department within ten (10) days after such decision, determination or requirement is made. Such appeal shall be on the forms as approved by the Director, include a statement of the basis of the appeal and be accompanied by a fee.
- (B) The ~~Planning and Building Services~~ Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.208.015.
- (C) ~~Notification is not necessary for an administrative appeal.~~ Written notice of the date of the hearing before the Planning Commission shall be provided to the appellant and the applicant not less than ten (10) days before the hearing.

Sec. 20.208.015 Zoning Administrator and Planning Commission Appeal.

- (A) Request for hearing before the Board of Supervisors may be made by the property owner or any interested person from any decision, determination or requirement of the Zoning Administrator or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) days after such decision, determination or requirement is made, on the forms as approved by the Director, including a statement of the basis of the appeal and ~~The notice shall~~ be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing, noticed in the same manner and to the same extent as initially noticed for the Zoning Administrator and/or Planning Commission meeting, on the appeal. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may affirm, reverse or modify any such decision, determination or requirement as it deems just, equitable and in compliance with this Division and the General Plan. The decision of the Board of Supervisors is final.
- (C) No permits may be granted for any use or structure related to the action of the Zoning Administrator or Planning Commission until the ten (10) day appeal period has expired and no appeals have been filed with the Clerk of the Board.

CHAPTER 20.212 AMENDMENTS, ALTERATIONS, AND CHANGES IN DISTRICTS TO THE GENERAL PLAN, SPECIFIC PLAN, ZONING CODE, AND ZONING MAP

Sec. 20.212.005 Declaration Purpose.

This chapter establishes procedures for consideration and review of Amendments to the General Plan, Specific Plan, Zoning Code, and/or Zoning Map. This chapter addresses: This Division may be amended by changing the boundaries of districts or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by procedures set forth in this Chapter.

- (A) Amendments to the General Plan (including the adoption of a new General Plan or any adoption or amendment of any Specific Plan), to address changes in state or federal law and any issues or opportunities that were unanticipated at the time of adoption or the last amendment; and.
- (B) Amendments to the Zoning Code and Zoning Map, including the rezoning of property, whenever the public necessity, general welfare, or good practice justify such an amendment, consistent with the General Plan.

Sec. 20.212.010 Conditions to Rezoning.

- (A) The Planning Commission may recommend and the Board of Supervisors may impose conditions to the zoning reclassification of property where said respective body finds that said conditions are necessary so as not to create problems inimical to the public health, safety, or general welfare of the County of Mendocino.
- (B) **Execution of Contract.** Where the Board of Supervisors does decide to impose such conditions to the zoning reclassification, it may refrain from adopting the rezoning ordinance until a unilateral contract describing the property is recorded with the County Recorder wherein the owners of the property to be rezoned promise to comply with said conditions upon the adopting of the rezoning ordinance. Such promises shall be deemed to run with the land, to be restrictive covenants and equitable servitudes. Such contracts shall include a consent by said property owners to the property being rezoned in the event of noncompliance with any of the conditions imposed.
- (C) **Enforcement of Conditions.** Any violation of or noncompliance with any condition imposed under this Section is deemed to be an unlawful act, a misdemeanor, a breach of contract, a breach of restrictive covenant, a breach of equitable servitude, and a public nuisance. Where violation or noncompliance occurs, the duly constituted authorities of the County shall, upon order of the Board of Supervisors, immediately commence a legal action or other proceeding for the abatement and removal and enjoinder thereof, including the removal or abatement of any building or structure constituting or causing such violation or noncompliance. A separate violation is deemed to have occurred for every day of noncompliance. The aforesaid remedies are cumulative and nonexclusive.

Sec. 20.212.015 Initiation Authority.

The Planning Commission shall act as the recommending body for all Amendments to the General Plan text, General Plan Land Use Map, Specific Plan text, Specific Plan Map, Zoning Code text, and Zoning Code Map and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the decision-making body, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all Amendments to the General Plan text, General Plan Land Use Map, Zoning Code text, and Zoning Code Map. An amendment to this Division may be initiated by:

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- ~~(A) A petition of one (1) or more property owners affected by the proposed amendment, which petition shall be filed with the Planning and Building Services Department and shall be accompanied by a fee; or~~
- ~~(B) Minute order of the Board of Supervisors; or~~
- ~~(C) Minute order of the Planning Commission.~~

Sec. 20.212.020 Planning Commission Hearing Initiation of Amendment.

An Amendment to the General Plan, Specific Plan, Zoning Code, or Zoning Map may be initiated by:

- (A) A petition of one (1) or more the property owners affected by the proposed amendment, which petition shall be filed with the Planning and Building Services Department and shall be accompanied by a fee; or
- (B) the Director; or
- (C) Motion of the Board of Supervisors; or
- (D) Motion of the Planning Commission.

- ~~(A) The Planning Commission shall hold at least one (1) public hearing on a proposed amendment and shall give notice thereof at least ten (10) calendar days before the hearing in the manner provided hereafter:
 - ~~(1) For each proposed amendment to this Division, notice shall be published at least once in a newspaper of general circulation, published and circulated in Mendocino County.~~
 - ~~(2) The notice shall state the time and place of hearing and a general explanation of the matter to be considered and a general description of the area affected.~~
 - ~~(3) If the proposed amendment would change any property from one zone to another (rezoning), notices shall be mailed to the owners of the affected property and also to the owners of the property within three hundred (300) feet from the exterior limits of the affected property. For the purpose of mailing notices, the last known name and address of such owners as appear on the records of the Assessor of the County shall be used. Any failure to mail notices to less than all of the owners of the affected property and those owners of property within three hundred (300) feet as set forth herein shall not invalidate any proceedings for amendment of this Division.~~
 - ~~(4) In the event that the number of owners to whom notice would be sent is greater than one thousand (1000), the County may, as an alternative to the notice requirements above, provide notice at least ten (10) days prior to the hearing by either of the following procedures:
 - ~~(a) By placing a display advertisement of at least one-eighth (1/8) page in a newspaper having general circulation within the area affected by the proposed rezoning; or~~
 - ~~(b) By placing an insert with any generalized mailing sent by the County to property owners in the area affected by the proposed rezoning, such as billings for County services.~~~~
 - ~~(5) Failure by an individual to receive the notice required by this Section shall not invalidate the rezoning.~~
 - ~~(6) In addition to the notice as may be required in this section, notice may be given in any manner which is deemed necessary or desirable.~~
 - ~~(7) The Planning and Building Services Director shall also cause additional notice to be given as deemed necessary or as may be directed by the Board of Supervisors or Planning Commission.~~~~

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Sec. 20.212.025 ~~Action by the Planning Commission~~Procedures.

~~After the hearing, the Planning Commission shall render its decision in the form of a report incorporating a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation and shall be transmitted to the Board of Supervisors within ten (10) days of the decision.~~

- ~~(A) Application. A qualified applicant shall submit an application accompanied by the required fees by the County. The Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Department may allow Amendments to the General Plan, Zoning Code, and Zoning Map to be processed concurrently with other applications.~~
- ~~(B) Staff Report. The Department shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in this section for Zoning Amendments (if applicable), as well as an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). Applications involving projects for which an environmental document is required pursuant to CEQA shall not have a public hearing until the environmental document is complete.~~
- ~~(C) Public Hearing and Notice. All Amendments to the General Plan, Zoning Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. The Department shall provide all notice of the public hearing required pursuant to Section 20.190.010. Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.~~

Sec. 20.212.030 ~~Action by the Board of Supervisors~~Planning Commission Recommendation.

- ~~(A) Recommendation to Board of Supervisors. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, consistency with General Plan, and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a memorandum to the Board of Supervisors, prepared by the Director. The Board of Supervisors shall, upon receipt of the recommendation of the Planning Commission, hold a public hearing and shall give notice of the time and place of said hearing in the same time and manner as provided in Section 20.212.020.~~
- ~~(B) Recommendation for Approval. If the Planning Commission has recommended approval of the proposed amendment, the Board of Supervisors is required to take final action pursuant to Section 20.212.035. The Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission provided, however, that any modification of the proposed amendment by the Board of Supervisors shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference shall be deemed to be approval of the proposed modification.~~
- ~~(C) Recommendation for Denial for Amendments to the Zoning Map, if the Planning Commission has recommended against the proposed amendment to the Zoning Map, the Board of Supervisors is not required to take any further action unless an appeal is filed in accordance with Chapter 20.208 (Appeals).~~

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Sec. 20.212.035 ~~Abandonment of Proceedings~~ Board of Supervisors Hearing and Action.

- (A) Board of Supervisors Hearing. After receiving the recommendation from the Planning Commission, the Board of Supervisors shall hold a hearing in accordance with Section 20.190.010. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- (B) Board of Supervisors Action. After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed amendment. If the Board of Supervisors proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation. The Planning Commission shall not be required to officially consider the referral from the Board of Supervisors. If the Planning Commission does not report to the Board of Supervisors within forty-five (45) days after the referral, it shall be deemed that the Commission recommends approval, and the amendment shall be returned to Board of Supervisors for action.

Sec. 20.212.040 ~~General Plan Consistency for Zoning Amendments~~ Notice to County Assessor.

The Planning Commission shall not recommend, and the Board of Supervisors shall not approve a Zoning Code or Zoning Map Amendment unless the proposed amendment is found to be consistent with the General Plan. In the case of a combined General Plan amendment and change of zone or Zoning Code amendment, a finding may be made that the Zoning Amendment is consistent with the General Plan as proposed to be amended. Whenever the zoning covering a property is changed from one zone to another with respect to any property, the Planning and Building Services Department shall, within thirty (30) days, notify the County Assessor.

Sec. 20.212.045 Abandonment of Proceedings.

Upon the consent of the Planning Commission or Board of Supervisors, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

Sec. 20.212.040 Notice to County Assessor.

Whenever the zoning covering a property is changed from one zone to another with respect to any property, the Planning and Building Services Department shall, within thirty (30) days, notify the County Assessor.

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CHAPTER 20.216 - ENFORCEMENT, LEGAL PROCEDURE AND
PENALTIES

Sec. 20.216.005 - Officials, Duties.

- (A) All departments, officials, and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Division and shall issue no such permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of ~~the this~~ Division, whether intentionally or otherwise, and any permit or licensed so issued shall be null and void.
- (B) It shall be the duty of the Planning and Building Services Department and of the officers of the County herein and/or otherwise charged by law with the enforcement of this Division to enforce this Division and all provisions of the same.
- (C) The Planning and Building Services Department is hereby authorized to issue Stop Work Orders to prohibit further construction or use of structures and property involving violations of this Division. Such Stop Work Orders shall remain in effect until violations are ~~eliminated~~determined to be resolved.

Sec. 20.216.010 - Penalties.

- (A) Violation of this Division may be an infraction punishable as specified in Government Code Section 25132, but may alternately be addressed by way of administrative enforcement under Mendocino County Code Chapter 1.08, and may be punishable by fines as specified in Government Code Section 25132 or any successor statute. Further such violations may be redressed by civil action through the Office of the County Counsel.

A separate offense shall be deemed for each and every week-day after the first citation is issued, and shall be punishable ~~as herein provided~~in accordance with the provisions of Title 1 of the Mendocino County Code.

- (B) Any violation of provisions of this Division may cause to be filed for the record with the ~~Recorders of the County~~Mendocino County Recorder, a record of notice of violation lien affecting the real property maintaining the violation. The recording of such notice shall conform to the requirements established under the provisions of Chapter 1.04 of the Mendocino County Code including the issuances of all required notes, evidence submittals or presentations, and administrative review processes. The ~~in which the real property is located a notice of such violation and a lien of the estimated permit costs and penalties (such fees shall be further evaluated at the time of restitution). The notice shall specify the names of the record owners and particularly describing the real property, provided that, at least thirty (30) days prior to recording such notice and/or lien the owner of the parcels or units to be affected by the notice of violation, shall be advised in writing of the intention to record the notice specifying the time, date and place at which the owner~~ may present evidence to the Department of Planning and Building Services as to why such notice should not be recorded. The decision of Planning and Building Services may be appealed to the Board of Supervisors.

Sec. 20.216.015 - Permit Conditions as Violations.

- (A) It shall be unlawful, and prohibited, to violate any term or condition of any permit or approval granted or issued under this Division including, but not limited to, use permits, variances, use and occupancy permits, ~~and licenses and permits granted by the Historical Review Board of the Historical Preservation District for the Town of Mendocino.~~ Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or failing to comply with any such term or condition shall be subject to sanctions, including but not limited to:
 - (1) Enforcement as provided in Section 20.216.010 of this Chapter.
 - (2) Permit revocation or modification as provided in this Division (See Chapter 20.190).

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Upon revocation of a granted or issued permit, any further violation of this Division is subject to enforcement provided in the provisions of Title 1 of the Mendocino County Code provided in Section 20.216.010 of this Chapter.

~~(A)~~(B) Such person, firm, or corporation ~~shall be deemed to be~~is guilty of a separate offense for each and every act during any portion of which any violation of such term or condition is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

Sec. 20.216.020 - Cumulative Remedies.

All remedies provided for herein shall be cumulative and not exclusive.

Sec. 20.216.025 - Public Nuisance—Abatement.

(A) Any use of the property or any building set up, erected, built, moved or maintained contrary to the provisions of this Division shall be and the same is hereby declared to be unlawful and a public nuisance.

~~(B)~~ The Planning and Building Services Department or the officers of the County herein and/or otherwise charged by law with the enforcement of this Division may:

(1) Declare the use of the property or building described in this Section as a public nuisance and commence enforcement as provided in Section 20.216.010 of this Chapter.

~~(1)~~(2) Declare the use of the property or building described in this Section as a public nuisance and may be abated in accordance with the procedures provided in Chapter 8.75 of the Mendocino County Code, including but not limited to summary abatement, when necessary to preserve or protect the public health or safety, or administrative abatement.

~~(B)~~(C) The office of the County Counsel shall may immediately commence an action or actions, a proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and ~~shall may~~ take such other steps and ~~shall~~ apply to such court or courts ~~as may have having~~ jurisdiction to grant such relief as will abate and remove such building or enjoin such use and restrain and enjoin any persons, firms, or corporation or other entity from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this Division.

PROPOSED FOR REPEAL

**CHAPTER 20.220 GENERAL PLAN—ZONING ORDINANCE
COMPATIBILITY**

Sec. 20.220.005 General Plan—Zoning Compatibility Chart.

General Plan Designation	Compatible Zoning District
I: Industrial	I-1: Limited Industrial I-2: General Industrial P-F: Public Facilities O-S: Open Space
C: Commercial	C-1: Limited Commercial C-2: General Commercial P-F: Public Facilities O-S: Open Space
RC: Rural Community	R-C: Rural Community S-R: Suburban Residential R-1: Single-Family Residential R-2: Two-Family Residential R-3: Multiple-Family Residential C-1: Limited Commercial C-2: General Commercial I-1: Limited Industrial I-2: General Industrial P-F: Public Facilities O-S: Open Space
SR: Suburban Residential	S-R: Suburban Residential R-1: Single-Family Residential R-2: Two-Family Residential R-3: Multiple-Family Residential C-1: Limited Commercial P-F: Public Facilities O-S: Open Space
RR: Rural Residential*	RR: L: 1 Rural Residential: 40,000 square feet minimum RR: L: 2 Rural Residential: 80,000 square feet minimum RR: L: 5 Rural Residential: 5 acres min. RR: L: 10 Rural Residential: 10 acres min. P-F: Public Facilities O-S: Open Space
RMR: Remote Residential*	U-R: L: 20 Upland Residential: 20 acres min. U-R: L: 40 Upland Residential: 40 acres min. AG: Agricultural R-L: Rangeland F-L: Forestland T-P: Timberland Production P-F: Public Facilities O-S: Open Space

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AG: Agricultural Lands

RL: Rangelands

FL: Forestlands

RMR: Remote Resource Lands

OS: Open Space

PL: Public Lands

PS: Public Services

AG: Agricultural Lands

P-F: Public Facilities

O-S: Open Space

R-L: Rangeland

F-L: Forestland

T-P: Timberland Production

O-S: Open Space

F-L: Forestland

T-P: Timberland Production

R-L: Rangeland

O-S: Open Space

R-L: L: 640 Rangeland: 640 acres min.

F-L: L: 640 Forestland: 640 acres min.

T-P: L: 640 Timberland Production: 640 acres minimum

O-S: Open Space

O-S: Open Space

P-F: Public Facilities

O-S: Open Space

P-F: Public Facilities

O-S: Open Space

* The minimum parcel size allowed by zoning may not be smaller than the minimum parcel size specified by the General Plan Classification.

PROPOSED FOR REPEAL

**CHAPTER 20.224 INTERIM URGENCY ORDINANCE PROHIBITING
NEW OR EXPANDED INDUSTRIAL USES ON PINOLEVILLE
RANCHERIA**

Sec. 20.224.005 Pinoleville Rancheria—New Industrial Uses Prohibited.*

Pursuant to authority granted by Government Code Section 65858, no permit, entitlement, or other authorization to use real property or to construct facilities within the Pinoleville Rancheria shall be issued to support new or expanded industrial uses for the duration of this Ordinance.

"Pinoleville Rancheria" means all of that real property consisting of approximately 99.5 acres as described in the deeds from E. M. and Cordelia Ford to the United States, dated March 13, 1911 and September 15, 1911, as recorded in the Official Records of Mendocino County at book 123 of deeds, page 148 and book 133 of deeds, page 283, respectively, and as depicted on the Record of Survey of the Pinoleville Rancheria, recorded on November 25, 1960, in the Mendocino County Recorder's Office in Case 2 of Maps, Drawer 1, page 74.

"Industrial use" means any of the separate types of uses of real property allowed or permitted exclusively in the Industrial Districts (Mendocino County Code Chapters 20.096 and 20.100) and those industrial uses permitted in Airport Districts, Chapter 20.128. "Industrial use" does not encompass those limited industrial uses contained in Chapter 20.160 (Cottage Industries).

"New or expanded industrial use" means any change in the industrial use of property after the adoption of this urgency ordinance, unless such change in use is pursuant to a County permit, entitlement or other authorization granted by the County prior to the adoption of this Ordinance. Excluded from the definition of "new industrial use" is the ordinary maintenance and repair of existing structures, and the replacement or repair of structures subject to damage or other accidental loss.

PROPOSED FOR REPEAL

**CHAPTER 20.228 INTERIM URGENCY ORDINANCE PROHIBITING SUBDIVISION
OF LAND WITHIN THE NORTH FORT BRAGG/PUDDING CREEK PLANNED
DEVELOPMENT AREA**

**Sec. 20.228.005 North Fort Bragg/Pudding Creek Planned Development Area—Division of
Land Prohibited.**

Pursuant to authority granted by Government Code Section 65858, authorizing the prohibition of uses which may be in conflict with a contemplated general plan amendment, no application for subdivision of land within the North Fort Bragg/Pudding Creek Planned Development Area shall be accepted by the Mendocino County Department of Planning and Building Services for processing, nor shall such application be given tentative approval during the duration of the ordinance codified in this chapter. Applications for subdivision of land that were granted tentative approval prior to February 12, 1990 shall be granted final approval upon completion of all required conditions.

"North Fort Bragg/Pudding Creek Planned Development Area" means all of that real property north of Pudding Creek and east of State Highway One that was included within the area of the study entitled Report For Use Permit North Fort Bragg—Pudding Creek Planned Development Study Area prepared by the County of Mendocino Department of Planning and Building Services and dated November 15, 1984.

"Subdivision of Land" means any division of land as defined in Section 66424 of the California Government Code.

Chapter 20.228 was originally enacted by Ordinance Number 3726, adopted February 12, 1990, effective for a period of forty-five (45) days, and was subsequently extended for ten (10) months and fifteen (15) days by adoption of Ordinance Number 3729 on March 27, 1990, in accordance with the provisions of Government Code Section 65858. The provisions of Ordinance Number 3726 are hereby extended for a period of one year. This measure is adopted as an urgency ordinance to take effect immediately upon adoption and shall expire without possibility of further extension on February 12, 1991.

The Board of Supervisors finds there is a current and immediate threat to the public health, safety and welfare, and the approval of any additional subdivisions within the above described area would result in a threat to the public health, safety and welfare. Such finding is based on the following factors:

1. In 1981, when the General Plan was adopted designating the North Fort Bragg/Pudding Creek Planned Development Area (NFBPD Area) for a one (1) acre density, the Board of Supervisors recognized that development at a one (1) acre density could result in significant environmental impacts, and in order that the potential impacts be mitigated, the Board designated the area as a Planned Development area, requiring that a plan incorporating appropriate mitigation measures be implemented prior to development of the area.
2. Since the General Plan was adopted in 1981, twenty-seven (27) applications for minor subdivision within the NFBPD Area have been submitted to the County, twenty-four (24) of which have been approved, resulting in the creation of forty-two (42) new parcels, all without benefit of an overall plan for impact mitigation.
3. In 1981, when the one (1) acre density was applied to the area, the State and County statutes allowing second residential units had not been enacted. The provisions for second units effectively double the potential density of the area without any additional divisions. The potential impacts of second units were not considered at the time the RR-1 classification was applied to the area.
4. The Board of Supervisors has directed the Planning and Building Services Department to prepare a General Plan amendment for the NFBPD Area to reclassify the land to RR-1, RR-2 and RR-5, and to eliminate the Planned Development designation. The urgency ordinance codified in this chapter is necessary to prohibit any new divisions of land which may be in conflict with the contemplated General Plan amendment.

CHAPTER 20.234 AFFORDABLE HOUSING AND DENSITY BONUSES

Sec. 20.234.005 Density Bonus.

- (A) Purpose. This section is adopted in accordance with Government Code Sections 65915-65918 of the California Government Code, as may be amended. This section establishes a density bonus and incentive program to provide both density bonuses and other incentives for owner-occupied and rental housing developments to encourage the creation of housing affordable to moderate, low, and very low-income households, and to encourage the creation of housing for senior citizens. As used in this section, density bonus units are those units designated for senior citizens, or very low, low or moderate-income households that qualified the housing project for award of a density bonus or other incentives.
- (B) Applicable Zones. This chapter shall be applicable to all zones that allow residential uses.
- (C) Qualifications. All proposed housing developments that qualify under California Government Code Sections 65915-65918 for a density bonus and other incentives, and any qualified land transfer under California state law shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions, and obligations set forth in California Government Code Sections 65915-65918, as may be amended.
- (D) Application and Review. A developer seeking a density bonus, incentive or concession shall file an application with the department. The form and content of the application shall be as specified by the Director and shall be subject to a fee established by resolution of the Board of Supervisors. The Department will process the application concurrently with any other applications required for the housing development. The department will provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete and will notify the applicant whether the application is complete in a manner consistent with the timelines in Government Code Section 65943.
- (E) Approval. The Department shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Sections 65915-65918 and incentives or concessions also as described in the same sections.
- (F) Agreement. As a condition for the approval of a density bonus and additional incentive or incentives pursuant to this section, the applicant shall enter into a density bonus agreement with the County in a form approved by the County Counsel and consistent with the requirements of Government Code Section 65915 and other applicable state law. The Board of Supervisors is authorized to execute the density bonus agreement on behalf of the County. The executed density bonus agreement shall be recorded on the parcel or parcels designated for the construction of qualifying units or donated for the purpose of constructing qualifying units. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus agreement shall be binding upon all future owners and successors in interest.
- (G) Standards for Qualifying Units. All qualifying units shall meet the following standards:
 - (1) Concurrency. Qualifying units shall be built concurrently with all other units in the development unless the County and the applicant agree in writing to an alternative schedule for development.
 - (2) Location. Qualifying units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
 - (3) Unit Size. Where feasible, the number of bedrooms of the qualifying units shall be equivalent to the bedroom mix of the other units in the development, except that the developer may include a higher proportion of qualifying units with more bedrooms.

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- (4) Design. The design and appearance of the qualifying units shall match the design of the housing development as a whole.
- (5) Linked Sites. Circumstances may arise in which the public interest would be served by allowing some or all of the qualifying units associated with one housing development to be produced and operated at an alternative development site. If the developer and the County agree in writing to allow the production and operation of qualifying units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this chapter.
- (H) Retention. Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the County of Mendocino and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units. For owner-occupied housing, the County may require an equity sharing agreement to be recorded against the parcel, as provided by Government Code Section 65915, with any funds to be paid to the County pursuant to such agreement to be deposited into the Affordable Housing Trust Fund established by this Chapter.

Sec. 20.234.010 Affordable Housing Trust Fund.

There is hereby established an Affordable Housing Trust Fund.

- (A) The Affordable Housing Trust Fund will receive all funds collected pursuant to this Chapter. The Fund may receive monies from other sources.
- (B) The Affordable Housing Trust Fund shall be administered by a non-profit entity designated by the Board of Supervisors, which may develop procedures to implement the purpose of the Fund with the provision of this Section.
- (C) Monies deposited in the Affordable Housing Trust Fund shall be expended in accordance with the Housing Element of the General Plan to construct, rehabilitate or subsidize affordable housing or to assist other individuals or organizations to do so. Monies from the fund shall be used to increase and improve the supply of housing affordable to moderate, low, very low, or extremely low income households within the County. Funds may be used for the benefit of both renter-occupied and owner-occupied housing.
- (D) This Chapter is intended to be one tool in an effort to increase and improve affordable housing in Mendocino County. The Board of Supervisors will conduct an annual review of the progress of this Chapter to increase and improve affordable housing in the County. The review shall include an annual accounting of the use of the funds deposited in the Affordable Housing Trust Fund and a discussion of other programs implemented by the County to increase affordable housing in the County.

Sec. 20.234.015 Review of Affordable Housing Projects.

The provisions of the Housing Accountability Act, Government Code Section 65589.5, shall apply to the Department's review of housing development projects, as that term is defined in said section and as said section may be amended.

CHAPTER 20.236 TOWERS AND ANTENNAS

Sec. 20.236.005 Declaration.

Radio, telephone, and other communication and transmission structures, towers, and antennas ("towers and antennas") are conditional uses subject to approval of a conditional use permit in all zoning districts, except as otherwise provided in the Mendocino County Code.

Sec. 20.236.010 Superseding Effect, Exceptions.

Except for the Mendocino County Coastal Zoning Ordinance, Mendocino County Code Title 20, Division 11 and the Mendocino Town Zoning Code, Title 20, Division III, this Chapter supersedes all other County provisions or regulations affecting towers and antennas. This Chapter is not applicable to the coastal area within the Mendocino County Coastal Zoning Ordinance, and the Mendocino Town Zoning Code.

Sec. 20.236.015 Exempt Facilities.

The following wireless communication facilities are exempt from the requirements of this Chapter:

- (A) Private communication equipment utilized for personal use such as private radio, television, internet or ham radio reception antennas. Such facilities shall be limited in height by Section 20.152.025.
- (B) Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., "wi-fi hotspots").
- (C) Government-owned communications facilities used exclusively to protect public health, safety and welfare.
- (D) Facilities operated and used exclusively by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.
- (E) Facilities operated and used exclusively by educational facilities for use in the provision of those services.
- (F) Any facility specifically exempted under federal or state law as determined by the Director.
- (G) Temporary facilities erected and operated for use in emergency situations which are approved in writing in by the Director. Use of such facilities shall not exceed two weeks unless an extension is granted by the Director. Notification shall be provided within 72 hours of installation.
- (H) The Director may exempt minor modifications to existing legal wireless communication facilities, if project is limited to replacing equipment with similar or with smaller or less visible equipment that will have little or no change in the visual appearance of the facility.

The exemptions set forth in this section shall apply only to facilities demonstrating radio-frequency emission compliance with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields. Facilities determined to be exempt from this Chapter are required to obtain necessary building permits prior to commencing work.

Except as specifically noted, the exempt facilities set forth in this section shall be limited in height by the applicable zoning district height standard.

Wherever feasible, developers shall be encouraged to locate and design the exempt facilities set forth in this section to minimize aesthetic impacts by designing the facility to be compatible with their surroundings so as to be visually unobtrusive.

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Sec. 20.236.020 Permit process.

- (A) All projects that meet the definition of an "eligible facilities request" as defined in 47 Code of Federal Regulations ("C.F.R."). 1.400046100 shall be permitted upon the issuance of an Administrative Permit. Applications for an "eligible facilities request" shall be processed pursuant to the definitions, requirements and procedures set forth in 47 C.F.R. 1.400046100, as may be amended from time to time; for the purpose of reviewing an "eligible facilities request," the definitions and procedures of 47 C.F.R. 1.400046100 shall control and supersede any contrary definitions or procedures of this Chapter. Any guidelines or regulations adopted by the County regarding wireless communications facilities shall incorporate or make reference to the provisions of 47 C.F.R. 1.400046100. Pursuant to 47 C.F.R. 1.6100, failure to approve or deny an application for an eligible facilities request within the 60-day timeframe for review (subject to any tolling of the timeframe), the request shall be deemed granted.
- (B) Provided a project is consistent with the Development Standards found in Section 20.236.025, as determined by the Director, the following types of wireless communication facilities and associated uses are permitted upon the issuance of an Administrative Permit:
1. Additional antennas and associated equipment to be located upon an existing wireless communication facility.
 2. Building-mounted antennas.
 3. Roof-mounted antennas.
 4. New wireless communication facility.
- (C) All other proposed wireless communication facilities that do not qualify for an exemption or the Administrative Permit process must apply for a ~~Major~~ Use Permit or as otherwise prescribed in the County Zoning Code.

Sec. 20.236.025 Development Standards.

- (A) Additional antennas and associated equipment to be located upon an existing wireless communication facility shall comply with all of the following standards:
1. The type and size of the new antennas, associated equipment, and any improvements shall be consistent with the requirements of the original use permit(s) and other governing permit(s).
 2. The new antenna array shall not increase the height of the existing communication tower beyond what was approved by previous applicable permits.
 3. The width of the proposed antenna array shall not exceed the width of the existing array or arrays.
 4. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.
- (B) Building-mounted antennas. Building-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:
1. The antenna and mountings shall not project more than thirty (30) inches from the building surface to which it is mounted.
 2. Building-mounted antennas shall not exceed the maximum building height for the zoning district.
 3. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.
 4. Antennas and connections shall not project more than thirty-six (36) inches above the side of the building or structure upon which it is mounted.

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5. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.
 6. All equipment shelters, cabinets or other structures appurtenant to the facility shall be located either; 1) inside the building upon which facility is mounted, 2) on the ground outside the setback area or any required parking area, 3) on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.
 7. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.
 8. Antennas mounted on the exterior walls of a building entirely below the roof line or parapet top may extend into any required yard setback a distance not exceeding two feet.
- (C) Roof-mounted antennas. Roof-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:
1. Roof-mounted antennas shall not exceed the maximum building height for the zoning district and shall not extend more than ten feet above existing roof line.
 2. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.
 3. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.
 4. All equipment shelters, cabinets or other structures utilized or built in connection with the facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.
 5. Roof-mounted antennas shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations.
 6. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.
- (D) New wireless communication facility. A new wireless communication facility shall be located and designed so as to be visually unobtrusive and effectively unnoticeable and shall not result in any adverse environmental impacts. To this end, they must comply with the following standards:
1. No part of the facility shall exceed 50 feet in height above ground level.
 2. The wireless communication facility must be located in such a way as to have a backdrop of terrain which obscures the visibility of the facility and shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations Any such installation must also be found not to create the potential for adverse impacts from site development such as access limitations, significant vegetation removal, or operational impacts such as noise (from generators or other accessory equipment).
 3. Every wireless communication facility, by itself and in combination with other nearby wireless communication facilities, shall comply with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields.
 4. All exterior surfaces of structures and equipment associated with a wireless communications facility shall have subdued colors and non-reflective materials selected to blend with their surroundings.
 5. Antenna towers shall not be built with guy wires in the absence of compelling evidence that there is no feasible construction alternative.

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6. Towers shall not be so tall as to require Federal Aviation Administration lighting or markings.
7. Antenna towers shall be subject to setbacks required by the County Zoning Code and shall be setback a minimum of one hundred ten percent (110%) of their overall height from any property line, and a minimum of five hundred percent (500%) of their overall height from any off-site residence or school. Tower setbacks in excess of setback requirements by the Zoning Code may be reduced under any one of the following circumstances:
 - (a) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.
 - (b) Overall, the reduced setback enables greater mitigation of adverse visual and other environmental impacts than would otherwise be possible.
8. All wireless communications facilities shall comply with the applicable provisions of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code, and rules and regulations imposed by state and federal agencies.
9. No trees that provide visual screening of the wireless communication facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
10. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.
11. A road condition assessment for the wireless communication facility shall be required for any facility that relies on shared private road/access. When required, and prior to development of the site, the applicant shall provide to the Department, an assessment of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment shall include photos and video as well as a written narrative to document the road's current or existing condition.

Prior to activation of the facility, or at a later date established by the Planning Director, any damage to the road associated with construction activity shall be repaired to condition that is equal to or better than the existing road condition.

Within two weeks after any road improvements are completed, the applicant shall provide to the Department, a post construction assessment of the condition of the private road serving the site to verify that adequate road repairs have been completed. The post assessment shall include photos and video as well as a written narrative to document the road's condition.

Notice of project shall be provided by the Department of Planning and Building Services to all property owners that use the shared private road.

Sec. 20.236.030 Noticing.

- (A) Use permits for wireless communication facility. All noticing for hearings on use permit applications for wireless communications facilities shall be in accordance with the California Environmental Quality Act, except that notice shall be provided to all owners and occupants of real property within 1,000 feet of the site proposed for the facility. Expanded public notice may be provided for applications for new antenna towers when deemed necessary by the Director.

Sec. 20.236.035 Application requirements.

The following items shall be required for each permit for a wireless communications facility.

- (A) Use Permits.

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1. All application materials generally required for a use permit.
 2. All materials listed in the County Guidelines for the Development of Wireless Communication Facilities.
 3. The Director may require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.
- (B) Administrative Permits.
1. A description of the facility that includes:
 - (a) The types of services to be provided by the applicant to its customers.
 - (b) The numbers, types and dimensions of antennas and other equipment to be installed.
 - (c) The power rating for all antennas and equipment.
 - (d) A statement that the system will conform to radio frequency radiation emission standards adopted by the Federal Communications Commission.
 2. A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Mendocino County, showing the approximate area served by each antenna.
 3. Evidence of ownership or authorization for use of the proposed site.
 4. Evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.
 5. A site plan showing the location of all structures and equipment to be located on the site.
 6. Elevations drawings of the facility including all structures and appurtenances.
 7. The applicant shall submit any related information deemed necessary by the Director to determine that a proposed installation meets the Development Standards found in Section 20.236.035.

Sec. 20.236.040 Validity.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

PROPOSED FOR REPEAL

CHAPTER 20.238 INCLUSIONARY HOUSING

The Board of Supervisors of the County of Mendocino ordains as follows:

The County finds and determines:

- (A) The State of California is suffering from a housing crisis which has adverse effects on the County of Mendocino. The County is suffering from a shortage of housing for its citizens of moderate, low, very low and extremely low incomes.
- (B) It is a public purpose of the County and a policy of the State of California to achieve a diverse and balanced community with housing available for all households of all income levels.
- (C) In order to meet its fair share obligation under the Regional Housing Needs Allocation, the County is responsible for efforts toward the provision of a State-specified number of affordable housing units per year of for extremely low, very low, low, or moderate income households within its unincorporated areas.
- (D) Based on recent trends of the construction of affordable units, Mendocino County has not experienced progress in addressing the regional housing need.
- (E) Affordable housing units constructed pursuant to the Inclusionary Housing Ordinance would serve to satisfy the needs of qualifying extremely low, very low, low, and moderate income households. Fees collected in lieu of constructing affordable units would serve to advance provision of affordable housing through various mechanisms including leveraging grant funds by providing local matching funds, funding first time buyer programs, or acquiring land or buildings for the provision of affordable housing.
- (F) Development of the County's remaining developable residential land without the ability to permit and construct housing at a reasonable density and at a price affordable to persons of all income levels does not support County housing policies. Land otherwise available for the provision of housing affordable to extremely low, very low, low, and moderate income households would be developed out of their financial reach, and these households would be unable to obtain adequate housing.
- (G) The lack of affordable housing adversely affects the local workforce and the ability to attract and retain businesses in the County.
- (H) After considering all factors, including the significant need for affordable housing, the County has determined that the community's interests are served, in part, by the adoption of an Inclusionary Housing Ordinance.
- (I) The Inclusionary Housing Ordinance includes an option to pay a fee as an alternative to constructing affordable units. In order to approve payment of an in-lieu fee as an alternative to constructing affordable units, the decision-making body must make a finding that the alternative meets or furthers the purpose of this Inclusionary Housing Ordinance and that the purpose would be better served by the proposed alternative.
- (J) The Inclusionary Housing Ordinance also requires payment of an in-lieu fee where the inclusionary requirement calculation in section 20.238.025 results in a fractional unit.

Sec. 20.238.005 Purpose.

The purpose of this Chapter is to:

- A. Serve as one component of a County-wide effort to encourage the permitting, development, and availability of housing affordable to a broad range of income levels within Mendocino County.

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- B. Assist the County in complying with State Law which requires each local jurisdiction to develop a comprehensive, long-term General Plan, establishing policies for future development, including housing. As specified in the Government Code, the plan must "encourage the development of a variety of housing types for all income levels, including multifamily rental housing" and "assist in the development of adequate housing to meet the needs of low- and moderate-income households."
- C. Implement Action Item 3.11 of the Housing Element of the General Plan which directs the County to develop and adopt an Inclusionary Housing Ordinance that requires market-rate residential development to supply on-site affordable housing or alternatives to make housing available to low, very low, and moderate income households.
- D. Promote the planning, permitting, and dispersal of affordable units throughout the County, in each community, and in each residential development approved by the County, consistent with the provisions of this Chapter.

Sec. 20.238.010 Applicability.

- A. This Chapter shall apply to residential development of two or more units shall be applied at the sub-division level.
- B. Exemptions:
 - Residential development of efficiency units of 650 square feet or less.
 - Residential development that is restricted to extremely low, very low, low, or moderate income households shall be exempt from this Chapter.
 - Residential development that voluntarily complies with the State Density Bonus Law shall be exempt from this Chapter.
 - Reconstruction of any structure destroyed by fire, flood, earthquake or other acts of Nature is exempt from these requirements, provided that such reconstruction does not increase the number of residential units within the structure.
 - Changes to existing housing developments that do not add additional residential units shall be exempt from this Chapter.
 - Construction of secondary single-family residences on parcels zoned for that purpose shall be exempt from this Chapter.

Sec. 20.238.015 Inclusionary Housing Unit Requirement.

Newly constructed residential development consisting of five (5) dwelling units or more shall be required to construct units affordable to extremely low, very low, low, or moderate income households in the following proportion:

2—4 total housing units =	an in-lieu fee would apply—no units required
5—25 total housing units =	10% would have to be affordable
26—50 total housing units =	15% would have to be affordable
51—75 total housing units =	20% would have to be affordable
76 or more total units =	25% would have to be affordable

- A. If the percentage calculation provided in this Section results in fractional dwelling units, a proportional share of the in-lieu fee referenced in Section 20.238.025 shall be paid for any fractional dwelling unit. The proportional share of the in-lieu fee shall be calculated by multiplying the in-lieu fee by the fraction of dwelling unit. In-lieu fees for fractional units must be paid into the Affordable Housing Trust Fund no later than issuance of the notice of final occupancy.

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- B. Secondary single-family dwellings, either attached to the primary dwelling, or on the same parcel as the primary single-family dwelling, are allowed consistent with Section 20.164.015 and would not count toward the density of the development.
- C. Payment of an in-lieu fee shall be at the discretion of the developer in the following situations: ownership projects with fewer than twenty (20) units, projects in hillside areas, or in developments of two and fewer units per acre.
- D. An in-lieu fee to the Affordable Housing Trust Fund as an alternative to building inclusionary units may be paid in other situations, if approved by the Board of Supervisors as part of a negotiated development agreement prior to the issuance of any building permits for applicable primary dwelling units in the development.

Sec. 20.238.020 Affordable Housing Standards.

- A. Inclusionary units should be dispersed throughout appropriate areas of a residential development. Inclusionary units may, however, be clustered within the development when this furthers affordable opportunities as determined through the development and permitting process.
- B. Inclusionary units shall be comparable in appearance and style to market rate units and shall meet County Code. Inclusionary units may be smaller and have different interior and exterior amenities, such as one-car garages, carports, or open parking, than market rate units. The minimum size of the living area of an inclusionary unit shall be as follows:

Type of Unit	Size (square feet)
Owner-occupied detached dwelling	4- bedrooms or larger 1000 2- or 3 bedroom 800 1 bedroom 600
Owner-occupied attached dwelling	500
Renter-occupied dwelling	500

- C. Inclusionary units shall be constructed concurrently with market-rate units in the development consistent with the Inclusionary Housing Plan as provided in Section 20.238.050. Inclusionary units shall not be required to be constructed until forty percent (40%) of the market-rate units in the development have obtained Final Construction Permits. All inclusionary units shall be completed and offered for sale or rent by the time eighty percent (80%) of the market-rate units have obtained Final Construction Permits. For phased developments, the inclusionary units required by this Chapter shall be proportionally provided with each phase of the residential development.

Sec. 20.238.025 Inclusionary Housing Credit.

A developer shall receive affordable housing credit for affordable units constructed in excess of those required by this Chapter if included in the Inclusionary Housing Plan approved by the decision-making body. Inclusionary housing credit may be used to satisfy the inclusionary requirements for other developments as set forth in an approved Inclusionary Housing Plan under Section 20.238.050. Development credits may be transferred from one developer to another. Market-rate builders may pool resources to satisfy their inclusionary requirement(s) through one affordable housing project. Market-rate builders that build more affordable units than required may sell the additional built units as credits to other builders in the same area. Nonprofit entities may acquire and rehabilitate existing market-rate units, limit occupancy to low or very low income, and sell units as credits to other developers in the same area. The developer using the affordable housing credit must submit documentation of transfer of the credit with the Inclusionary Housing Plan referenced in Section 20.238.050.

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Sec. 20.238.030 Alternatives.

In lieu of providing affordable inclusionary housing on-site, a developer may propose an alternative means of compliance in an inclusionary housing plan. The Board of Supervisors may approve, conditionally approve, or reject any alternative proposed by a developer as part of an Inclusionary Housing Plan. Any approval or conditional approval must be based on a finding that the alternative meets or furthers the purpose of this Chapter and the purpose would be better served by implementation of the proposed alternative. Any off-site location offered by a developer to meet her/his inclusionary requirement must:

- be suitable for use; including location, size, characteristics required to qualify for funding programs, zoning, environmental clearances, essential services such as employment and transportation, and infrastructure extended to the site.

Sec. 20.238.035 Affordable Housing In-Lieu Fees.

The in-lieu fee shall be progressive and based on the size of the development as follows:

- | | |
|---------------------------|-------|
| • 2 housing units | = 2% |
| • 3—4 housing units | = 5% |
| • 5 or more housing units | = 20% |

of the County-wide median sales price of a single-family residence of the same size in Mendocino County. The median sales price shall be determined annually by the County Assessor prior to March 1, for use in the following year.

Sec. 20.238.040 Incentives.

A. The County shall provide the following incentives per Section 20.238.015 to developers who construct the required affordable housing units as follows:

- | | |
|----------------------------------|--------------|
| • 5—25 total housing units | 1 incentive |
| • 26—50 total housing units | 2 incentives |
| • 51—75 total housing units | 3 incentives |
| • 76 or more total housing units | 4 incentives |

B. One (1) additional incentive will be provided to projects whose affordable units are entirely dedicated to low income households.

C. Two (2) additional incentives will be provided to projects whose affordable units are entirely dedicated to very low income households.

D. Three (3) will be provided to projects whose affordable units are entirely dedicated to extremely low income households.

E. Incentives shall be negotiated and incorporated in a Development Agreement.

Sec. 20.238.045 Density Bonus and Other Incentives.

A. In accordance with Government Code Section 65915-65918 (State Density Bonus Law), the County shall grant a density bonus for the provision of affordable housing, as the first incentive, as follows:

- 5 very low income units: 20%
- 9 very low income units: 30%
- 11 very low income units: 35%
- 10 low income units: 20%
- 14 low income units: 26%

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- 18 low income units: 32%
- 20 low income units: 35%
- 10 moderate income units: 5%
- 15 moderate income units: 10%
- 20 moderate income units: 15%
- 25 moderate income units: 20%
- 30 moderate income units: 25%
- 35 moderate income units: 30%
- 40 moderate income units: 35%

Any intermediate number of units proposed by the developer will follow the density increase listed in Section 65915 of the Government Code.

- B. Increased density may be allowed for voluntary provision of more inclusionary units than required at a rate of 1% increased affordable units = an additional 1.5% density increase up to a maximum density increase of 35%.
- C. Additional incentives allowed will be negotiated by Planning and Building Services with the developer from the following list of acceptable incentives and incorporated into a development agreement:
 1. Expedited processing of development and building applications and permits by putting affordable housing projects at the front of the queue for every task.
 2. Utilization of Federal or State funds or, on a limited basis and when feasible, local funds, to provide the land and/or infrastructure on which the housing development will be constructed at a reduced cost.
 3. Exemption of the project from standard height restrictions to increase affordability.
 4. Exemption from standard setbacks and yard regulations.
 5. Reduction in off-street parking requirements.
 6. Exemption from design review process.
 7. Exemption of the development from the requirements of Subdivision Map Act, Section 66477, park and recreation fees and dedications, if under control of the County or pursuant to agreement with applicable entity, if it can be demonstrated that these needs can be met with existing facilities or if impacts on the facilities are minimal.

Sec. 20.238.50 Inclusionary Housing Plan Compliance.

An Inclusionary Housing Plan must be provided for every residential development project subject to this Chapter which will be submitted to the Planning and Building Services Department as part of the land development application.

- A. The Inclusionary Housing Plan will include the following:
 1. the basis used to calculate the number of inclusionary units;
 2. a description of how the project will comply with the requirements;
 3. a site plan or floorplan depicting the location, type (detached, attached), occupation style (owner-occupied, renter-occupied), and size of proposed market rate and inclusionary units;

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4. the household income level to which the inclusionary unit will be made affordable: very low, low, moderate, and the size of household for which each inclusionary unit would be constructed;
 5. the mechanisms that will be used to assure that the inclusionary units remain affordable for the term required;
 6. a plan that demonstrates the timely provision of inclusionary units; a description of any incentives requested by the developer; and
 7. any additional information requested by the Planning and Building Services Department to assist in the evaluation of the Inclusionary Housing Plan.
- B. If the Inclusionary Housing Plan is determined to be incomplete by the Planning and Building Services Department, it shall be returned to the developer within thirty (30) days along with a list of deficiencies and required information. No application, to which this Chapter applies, shall be considered complete until an Inclusionary Housing Plan meeting the requirements of this Section has been submitted to the Planning and Building Services Department. An incomplete determination may be appealed to the Board of Supervisors.
- C. Implementation of the Inclusionary Housing Plan shall be made a condition of the entitlement issued for the land development project and shall be approved by the decision-making body. Development and operation of the project shall comply at all times with the approved Inclusionary Housing Plan.
- D. A Notice of Action (NOA) shall be recorded by the County for all property included in an approved Inclusionary Housing Plan.

Sec. 20.238.055 Eligibility to Occupy Inclusionary Housing Units.

- A. No person in a household may occupy an inclusionary unit unless the County or its designee has approved the household's eligibility for income limits specified in the Inclusionary Housing Plan.
- B. If the County or its designee fails to approve a household as an eligible buyer for the inclusionary unit that is intended for owner occupancy within ninety (90) days following the date a notice of intention to sell is filed, the owner may sell the unit at a market price, and pay a fee calculated as follows:

$10\% \times [(the\ gross\ selling\ price\ of\ the\ residence) - (actual\ closing\ costs\ and\ sales\ commission)]$

Sec. 20.238.060 Equity Sharing.

Equity sharing, as described in this Section, shall be applied to each owner-occupied inclusionary unit for a period of thirty (30) years from the date of first transfer, or as required by the funding source, of title at an affordable price determined pursuant to Section 20.238.065.

- A. At the date of transfer of ownership to a subsequent owner at market rate, the initial owner's equity share of the unit's increase in value shall be calculated by adding the months of ownership, dividing by the lesser of one hundred eighty (180) or the number of months remaining in the thirty (30) year period since the last sale at an affordable price, and multiplied by the increase in value. Partial months shall be calculated proportionally. Increase in value shall mean a positive number resulting from subtracting the owner's initial purchase price from the sale price, less the book value of any capital improvements made by the initial owner, or by use of a formula required by any State or Federal funding program used to finance the initial project. In addition to the equity share, the initial owner shall be entitled to recover the book value of any capital improvements. The owner shall not be entitled to recover any maintenance costs. If there is no increase in value, the County is not responsible for any portion of any loss.
- B. If the property is sold before the thirty (30) year period expires, the difference between the owner's equity share and the increase in value shall be paid to the County and deposited into the Affordable Housing Trust Fund established by this Chapter.

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- C. At least twenty (20) days prior to transfer of title to a subsequent owner, the initial owner shall provide to the County or a designated County agency an equity sharing report. The report shall disclose the original purchase price, the current purchase price, the proposed date of transfer of title, the name of the title company and number of any escrow, and a description of and book value of any capital improvements made to the unit during the owner's ownership.
- D. Equity sharing provisions shall also apply to a transfer of an inclusionary unit by a gift, unless the person receiving the gift is qualified to own the inclusionary unit, or if the owner defaults on any loan secured by the inclusionary unit and a foreclosure transfer, or conveyance in-lieu of foreclosure occurs, and the new owner does not meet the criteria for household income established by the approved Inclusionary Housing Plan. In order to establish the market value of the inclusionary unit at the time of transfer, the County shall utilize the Assessor's estimate of the value of the inclusionary unit at the time of transfer of the title.
- E. If the owner of an inclusionary unit defaults on any loan secured by the inclusionary unit and the equity sharing provisions of Section 20.238.065 do not survive the foreclosure, the unit may be sold by the mortgage holder at market rate and the provisions of this Chapter will no longer apply to that unit.
- F. If the inclusionary unit is offered for sale at other than an affordable price as determined pursuant to Section 20.238.065, during the thirty (30) years from the date of the first transfer of title at an affordable price, the County or its designee shall have the right to acquire the unit at the price agreed upon by the seller and a qualified purchaser under the terms of that contract of sale. This right of first refusal shall be exercised by written notice to the seller within fifteen (15) days of the written notice of pending sale to the County's designee. The County or its designee may apply its share of the equity to the purchase of the unit, notwithstanding the trust fund deposit requirements of subdivision D.
- G. Each inclusionary rental unit shall remain affordable for a minimum period of thirty (30) years from the date of the first transfer of title at an affordable price determined pursuant to Section 20.238.070. Each affordable housing unit constructed under a government subsidized program shall adhere to the term of affordability of that program.
- H. An equity sharing agreement shall be executed by the initial owner, and an inclusionary housing agreement shall be executed by an owner of residential developments containing renter-occupied inclusionary units prior to transfer of title. The agreement shall contain deeds of trust, terms of affordability, applicable resale restrictions, equity sharing conditions, rights of first refusal, and other provisions required by the County or its designee, and recorded against the property.

Sec. 20.238.065 Owner-occupied Units.

The following provisions apply to the sale, use and resale of each owner-occupied inclusionary unit:

- A. The initial sales price of each inclusionary unit shall be set so that an eligible household of the target income group will pay an affordable cost resulting in payments equal to no more than 35% of their monthly income.
- B. Selection of purchasers of inclusionary units shall be the responsibility of a County-designated organization. Selection of purchasers shall preferably be from a list of eligible households maintained by the County or its designee. The County or its designee shall verify that the purchase price being charged for each inclusionary unit is consistent with the approved Inclusionary Housing Plan and that the purchaser meets the income qualifications for the unit as specified in the approved Inclusionary Housing Plan at the time of sale and shall verify that the purchaser is a County resident or employed by a business located within the County wherever possible.
- C. The initial or subsequent owner may sell the unit without restriction at an affordable price as determined and verified pursuant to subsection B above and retain any equity. The last owner to acquire the unit at an affordable price shall be deemed the initial owner for purposes of

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equity sharing. The initial owner may sell the unit at a market price, subject to the equity sharing requirements of Section 20.238.055 and the agreement therein provided.

- D. After sale at other than an affordable price, or at the end of thirty (30) years (or as required by funding sources) after the date of the first transfer of the title at an affordable price determined pursuant to Section 20.238.065, whichever is earlier, the unit will no longer be subject to this Chapter or any agreement referred to in Section 20.238.055.
- E. If an inclusionary unit is offered for rent by the initial owner at any time during the first thirty (30) years, the inclusionary unit will be offered only to income eligible households pursuant to the Inclusionary Housing Plan.

Sec. 20.238.070 Renter-occupied Units.

The following provisions apply to the rental of each inclusionary unit:

- A. Every unit shall be rented to an income-eligible household at an affordable rent pursuant to subdivision B for a period of thirty (30) years, commencing with the date the first unit is occupied.
- B. Selection of a renter or renters of each inclusionary rental unit shall be the responsibility of the property owner. Selection of a renter shall be from a list of eligible households maintained by the County or its designee. The County or its designee shall verify that the rent being charged for each rental unit is consistent with the approved Inclusionary Housing Plan, and that the renter meets the income qualifications as specified.
- C. When an inclusionary rental unit has been occupied for a period of thirty (30) years following the date first occupied, the unit is no longer subject to this Chapter.
- D. If, after moving into an inclusionary unit, the renter's income exceeds the income limit for the unit, the renter shall be given one year's notice to vacate. If within that year a market rate unit becomes available, the owner may allow the renter to remain in the original unit, raise the renter's rate to market rate, and designate the newly vacated comparable unit as an inclusionary unit to be rented at the income level previously applicable to the converted unit. The remainder of the period of affordability of the original unit would transfer to the converted unit.

Sec. 20.238.075 Affordable Housing Trust Fund.

There is hereby established an Affordable Housing Trust Fund.

- A. The Affordable Housing Trust Fund will receive all funds collected pursuant to this Chapter. The Fund may receive monies from other sources.
- B. The Affordable Housing Trust Fund shall be administered by a non-profit entity designated by the Board of Supervisors, which may develop procedures to implement the purpose of the Fund with the provision of this Section.
- C. Monies deposited in the Affordable Housing Trust Fund shall be expended in accordance with the Housing Element of the General Plan to construct, rehabilitate or subsidize affordable housing or to assist other individuals or organizations to do so. Monies from the fund shall be used to increase and improve the supply of housing affordable to moderate, low, very low, or extremely low income households within the County. Funds may be used for the benefit of both renter-occupied and owner-occupied housing.
- D. This Chapter is intended to be one tool in an effort to increase and improve affordable housing in Mendocino County. The Board of Supervisors will conduct an annual review of the progress of this Chapter to increase and improve affordable housing in the County. The review shall include an annual accounting of the use of the funds deposited in the Affordable Housing Trust Fund and a discussion of other programs implemented by the County to increase affordable housing in the County.

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Sec. 20.238.080 Adjustments, Modifications, or Waivers.

The requirements of this Chapter may be adjusted, modified, suspended or waived by the Director of Planning and Building Services for two units, and by the Board of Supervisors for all other development if the developer demonstrates that there is no reasonable relationship between the impact of a proposed development and the requirements of this Chapter, or that applying the requirements of this Chapter would constitute undue economic hardship, or that there is no need for the inclusionary units. If the Board of Supervisors so determines, the Inclusionary Housing Plan shall be modified, adjusted, or waived to the extent necessary to avoid an unconstitutional result. A fee will be assessed to process a request for a waiver.

Sec. 20.238.090 Ordinance Review.

The provisions of this ordinance shall be reviewed no later than two (2) years after adoption to determine its effect upon housing production.

Sec. 20.238.095 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter which is reasonably separable from the remaining portion of this Chapter is, for any reason, held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Chapter.

REPEALED

CHAPTER 20.242 CANNABIS CULTIVATION SITES

Sec. 20.242.010 Intent.

This chapter 20.242 ("Chapter") is intended to provide land use regulations for the County of Mendocino where cannabis may be cultivated, subject to the limitations established of this chapter and the provisions of Mendocino County Code Chapter 10A.17, the Mendocino Cannabis Cultivation Ordinance (MCCO). The objective of this Chapter is to allow the cultivation of cannabis in locations that are consistent with the intent of the base zoning district and to help ensure that its cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents of the County of Mendocino.

Sec. 20.242.020 Application.

The cultivation of cannabis is prohibited in all zoning districts in Mendocino County, except as allowed by this Chapter or by Chapter 10A.17.

Sec. 20.242.030 Definitions.

Unless otherwise defined in this Chapter, the terms and phrases used herein shall have the same definitions as provided in Chapter 10A.17, or as provided in this Title 20.

Sec. 20.242.040 Existing Cannabis Cultivation Sites.

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the determination of the Mendocino Cannabis Department that the cultivation site existed prior to January 1, 2016, unless the Mendocino Cannabis Department requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance, ~~or~~ Administrative Permit ~~or Minor Use Permit~~ as required for the zoning district in which the cultivation site is located and as listed in Table 1.

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**TABLE 1
Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District
and Cannabis Cultivation Ordinance CCBL Type**

MCCO CCBL Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery	
Min Parcel Area (ac)*1, *2, *3	NA	NA		NA	5	5	5	10	10	10	5	
Cultivation Area Limit (sf)	2,500	500	501—2,500	2,500	2,501—5,000	2,501—5,000	2,501—5,000	5,001—10,000	5,001—10,000	5,001—10,000	22,000	
Zoning District	RR 5*1	ZC	AP	UP AP	ZC	ZC	—	ZC	—	—	—	
	RR 10	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC	
	AG	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC	
	UR	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC	
	RL	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC	
	FL*4	ZC	AP	UP AP	ZC	AP	—	AP	AP	—	AP	
	TPZ*4	ZC	AP	UP AP	ZC	AP	—	AP	AP	—	AP	
	I1*5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
	I2*5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
	PI*5	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, ~~UP~~ = ~~Minor Use Permit~~

*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted CCBL types 1, 1-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted CCBL types 2 and 2-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

(C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.

(D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject to the following planning permit and approval requirements.

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- (1) Planning Permit Requirements:
 - (a) Outdoor Cultivation (pursuant to a MCCO Type C CCBL) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.
 - (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A CCBL) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
 - (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A CCBL) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved ~~Minor Use~~Administrative Permit.
 - (d) Mixed Light Cultivation (pursuant to a MCCO C-B CCBL) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
 - (i) Any future lapse or revocation of the MCCO CCBL will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.
- (E) Transferability of Permits. A permittee may assign a permit to another person subject to the following provisions:
 - (1) Submission of the following to the Department:
 - (a) An application fee as set by resolution of the Board of Supervisors;
 - (b) A completed application form as provided by the department;
 - (c) A copy of the existing permit showing that it has not expired;
 - (d) Either:
 - (i) The existing permittee's request to assign all rights and responsibilities of the permit to the assignee; or
 - (ii) In the event of the death or incapacitation of the existing permittee, evidence of such death or incapacitation;
 - (e) Evidence that assignee's legal interest in the real property involved allows for assignee's use of the permit; and
 - (f) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit and all applicable laws and regulations.
 - (2) The assignment shall be effective upon the department's written approval of the documentation submitted, and the assigned permit shall be granted subject to the terms and conditions of the original permit.
 - (3) Permits issued on parcels subject to the Sunset Provision of Section 10A.17.080(B)(2) shall not be assignable pursuant to this Section 20.242.040(E); provided, however, that such permits issued on parcels located within a "CA" Cannabis Accommodation Combining District are assignable.

Sec. 20.242.050 New Cannabis Cultivation Sites Located in Industrial Zoning Districts.

Establishment of a new cannabis cultivation site in the I1 (Light Industrial), I2 (General Industrial), and Pinoleville (PI) zoning districts, for the following MCCO CCBL types, may be permitted on or after January 1, 2018, subject to the requirements of Section 20.242.060: Type C-A, 1A and 2A, and Type C-B, 1B and 2B CCBL's for mixed-light cultivation, which mixed-light cultivation must occur in a greenhouse equipped with filtered ventilation systems as described in paragraph (P) of Section 10A.17.070 and may not occur in a hoop house.

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Sec. 20.242.060 New Cannabis Cultivation Sites.

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.
- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance ~~or~~, Administrative Permit ~~or~~ ~~Minor Use Permit~~, as required for the zoning district in which the cultivation site is located and listed in Table 2.

TABLE 2
Zoning Permit Requirement for New Cannabis Cultivation by Zoning District
and Cannabis Cultivation Ordinance CCBL Type

MCCO CCBL Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501— 2,500	2,500	2,501— 5,000	2,501— 5,000	2,501— 5,000	5,001— 10,000	5,001— 10,000	5,001— 10,000	22,000
Zoning District	RR 5*1	ZC	AP	UP AP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	UP AP	ZC	ZC	—	ZC	ZC	—	ZC
	I1*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I2*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	PI*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, ~~UP = Minor Use Permit~~

*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) **Setback Reduction.** A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

Sec. 20.242.070 Planning approval required to cultivate cannabis.

- (A) **Planning Approval Procedure.** Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 CCBL as specified by Table 1 or Table 2 in this Chapter.

The Mendocino Cannabis Department shall refer applications for CCBL's pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning

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clearance approval to the Mendocino Cannabis Department. If the application requires ~~either an Administrative Permit or a Minor Use Permit~~, the Department will notify the Mendocino Cannabis Department and the applicant that planning approval is required.

- (B) Zoning Clearance. The Department shall review the MCCO CCBL application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall additionally provide any information as requested by the Mendocino Cannabis Department to confirm compliance with any of the provisions of Chapter 10A.17.
- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.
- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
 - (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
 - (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.
 - (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO CCBL application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
 - (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO CCBL for the cultivation site expires or is revoked.
 - (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
 - (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
 - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
 - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
 - (iii) That the granting of such reduction will not adversely affect the General Plan.

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- (8) Applicants eligible for a Phase One CCBL pursuant to Chapter 10A.17 may apply for and be granted an Administrative Permit for an exception to the setback requirement of section 10A.17.040(A)(5) of an outdoor, greenhouse, or mixed light cultivation site to an adjacent legal parcel under separate ownership or access easement. Administrative Permits may be approved, conditionally approved, or denied for the reduction of required setbacks established in section 10A.17.040(A)(5) to no less than twenty (20) feet for cultivation not in a structure or no less than applicable front, side and rear yard setbacks for cultivation in a structure, based on the findings of section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:
- (i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and
 - (ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

~~(D) Minor Use Permit. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis cultivation site based on findings in Section 20.196.020 and the following special findings:~~

- ~~(1) The proposed cannabis cultivation site is in compliance with the provisions of Chapter 10A.17.~~
- ~~(2) In cases where there is no other environmentally superior cultivation site located on the same parcel, the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceed fifteen (15) percent, prime soil, oak woodland, and timber resources.~~
- ~~(3) The proposed cannabis cultivation site will avoid or minimize odor and light impact on residential uses.~~
- ~~(4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO CCBL application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.~~
- ~~(5) The Use Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Use Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO CCBL for the cultivation site expires or is revoked.~~

CHAPTER 20.243 CANNABIS FACILITIES

Sec. 20.243.010 Title, Purpose and Intent.

This Chapter shall be known as and may be referred to in all proceedings as "Cannabis Facilities Code" or "CFC."

It is the purpose and intent of this Chapter to regulate the processing, manufacturing, testing, dispensing, retailing and distributing of cannabis within the unincorporated areas of Mendocino County in a manner that is consistent with current State law and to establish a program to be implemented in coordination with the State of California's implementation of the Medical and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") and subsequent legislation.

All commercial processing, manufacturing, testing, dispensing, retail sales and distributing of cannabis within the jurisdiction of the County of Mendocino inland of the coastal zone shall be controlled by the provisions of this Chapter, regardless of whether the business existed or occurred prior to the adoption of this Chapter. Nothing in this Chapter is intended, nor shall it be construed, to exempt the commercial processing, manufacturing, testing, dispensing, retailing, or distributing of cannabis for, as defined herein, from compliance with all other applicable Mendocino County zoning and land use regulations, or other applicable provisions of the County Code, or from any and all applicable local and state construction, electrical, plumbing, environmental, or building standards or permitting requirements, or from compliance with any applicable state laws.

These regulations shall apply to the location and permitting of commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis for in zoning districts within which such use is authorized, as specified in this Chapter.

Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis for on private property.

All persons operating facilities and conducting activities associated with the cultivation of cannabis, as defined in this Chapter, are subject to possible federal prosecution, regardless of the protections provided by state or local law.

Sec. 20.243.020 Application.

The processing, manufacturing, testing, dispensing, retailing and distributing of cannabis is prohibited in all zoning districts in Mendocino County governed by Division I of this Title, except as allowed by this Chapter.

Sec. 20.243.030 Definitions.

The definitions in this Chapter are intended to apply solely to the regulations in this Chapter or Chapters that specifically refer to this Chapter. Applicable definitions in Mendocino County Code Sections 10A.17.020 and Section 20.242.030 shall also apply to this Chapter. As used herein the following definitions shall apply:

"A-license" means a state license issued for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess a physician's recommendation.

"A-licensee" means any person holding a license for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess a physician's recommendation.

"Bureau" means the Bureau of Cannabis Control.

"Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis

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product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

"Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

"Cannabis facility" means a business and/or structure or location where, or from where, retailing, distributing, processing, testing, manufacturing or delivering of cannabis is operating.

"Cannabis Facility Business License" or "CFBL" means a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing, distributing, and/ or microbusiness within the County. The business license shall be in the form prescribed by the Tax Collector and must contain, at a minimum, the licensee's name, the business name, type of business, location of business, commencement and expiration dates of the license, and fee remitted. A Cannabis Facilities Business License shall be required for the operation of any cannabis facility.

"CFBL Holder" means any person holding a cannabis facility business license issued pursuant to Chapter 6.36, including any review or permit required by this Chapter.

"Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

"Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of cannabis and cannabis products.

"Customer" means a natural person twenty-one (21) years of age or over or a natural person eighteen (18) years of age or older who possesses a physician's recommendation.

"Day care center" has the same meaning as in Section 1596.76 of the Health and Safety Code.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

"Edible cannabis product" means cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

"Environmental Health" means the Environmental Health Division of the Mendocino County Department of Public Health or the authorized representatives thereof.

"Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

"License" means a state license issued pursuant to MAUCRSA, and includes both an A-license (Adult Use) and an M-license (Medical), as well as a testing laboratory license.

"Licensee" means any person holding a license pursuant to MAUCRSA, regardless of whether the license held is an A-license or an M- license, and includes the holder of a testing laboratory license.

"M-license" means a state license issued for commercial cannabis activity involving medicinal cannabis.

"M-licensee" means any person holding a license for commercial cannabis activity involving medicinal cannabis.

"Manufacturing Level 1 (Non-Volatile)" means facilities that manufacture cannabis products using nonvolatile solvents, or no solvents or volatile solvents using a non- volatile method.

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"Manufacturing Level 2 (Volatile)" means facilities that manufacture cannabis products using volatile solvents.

"MAUCRSA" means the Medical and Adult-Use Cannabis Regulations Safety Act, or subsequent legislation amending its provisions.

"Mendocino County Certified Unified Program Agency (CUPA)" means the agency certified to implement the unified hazardous waste and hazardous materials management regulatory program set forth in Section 25404 of the Health and Safety Code.

"Microbusiness" means at least three of the following commercial cannabis activities: (1) cultivation of cannabis on an area 10,000 square feet or less, (2) distribution, (3) Manufacturing Level 1 (Non-Volatile), and (4) acting as a licensed retailer/dispensary under this Chapter, provided such licensee/CFBL Holder complies with all requirements imposed by this Chapter on each of the three or more activities, to the extent the licensee/CF BL Holder engages in such activities.

"Nonvolatile extraction" means an extraction method using nonvolatile solvents (such as carbon dioxide or "CO₂") to manufacture cannabis products.

"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. A nonvolatile solvent includes carbon dioxide used for extraction.

"Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

"Processing Facility" means a location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged at a location separate from the cultivation site where the cannabis is grown and harvested.

"Retailer/Dispensary" means the retail sale and delivery of cannabis or cannabis products to customers.

"State" means the State of California.

"Testing" means testing of cannabis and cannabis products.

"Testing laboratory" means a facility, entity, or site in the State that offers or performs testing of cannabis or cannabis products and that is both of the following:

- (A) Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
- (B) Licensed by the Bureau.

"Volatile extraction" means an extraction method using volatile solvents to manufacture cannabis products.

"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

"Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

Sec. 20.243.040 Use Classifications.

The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest.

(A) Processing Facilities.

- (1) Processing facilities, as defined herein, shall be an agricultural use type.

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- (2) Processing facilities for cannabis grown on site pursuant to a permitted cultivation operation shall be allowed as an accessory use in all zones where cultivation is permitted pursuant to Chapter 10A.17.
- (B) Manufacturing Facilities.
 - (1) Manufacturing facilities, as defined herein, shall be an industrial use type.
 - (2) Exception for home manufacturing.
 - (a) Manufacturing (Level 1) as an accessory use to cultivation is allowed in all zones where cultivation is allowed pursuant to Chapter 10A.17 and is subject to the provisions of Chapter 20.156 or Chapter 20.160, as applicable, and the following provisions:
 - (i) The cultivator engaging in home manufacturing must be permitted to cultivate pursuant to Chapter 10A.17 and must reside on the property where the home manufacturing is occurring.
 - (ii) All cannabis used in home manufacturing must be cultivated on site, under a cultivation permit issued pursuant to Chapter 10A.17.
 - (iii) The manufacturing of edible cannabis products is permitted in compliance with State of California regulations.
 - (iv) Only nonvolatile extraction methods may be used.
- (C) Testing Laboratories and Research Institutions.
 - (1) Testing laboratories and research institutions, as defined herein, shall be a commercial use type.
 - (2) Testing licensees/CFBL Holders shall not
 - (a) hold a license in another facility or category established by this Chapter; or
 - (b) own or have an ownership interest in any other facility or category licensed pursuant to this Chapter.
- (D) Retailer/Dispensary.
 - (1) A Retailer/Dispensary, as defined herein, shall be a commercial use type.
 - (2) A Retailer/Dispensary may be permitted and issued a CFBL as only a Non-Storefront Retailer, as defined by State law and regulation.
 - (3) A Retailer/Dispensary with a storefront shall only be allowed pursuant to Table 1 of Section 20.243.060.
 - (4) This section applies to all retailers/dispensaries, as defined in Section 20.243.030 of this Chapter.
 - (a) Retailers/dispensaries that cultivate nursery stock or seeds must comply with the provisions of Mendocino County Code Chapter 10A.17.
 - (b) Retailers/dispensaries that engage in mobile deliveries are prohibited from having any advertisement of their business or services on their delivery vehicles.
 - (c) On-site consumption of cannabis is permitted in outdoor areas of A-license retailers/dispensaries, such as patios or decks, and shall adhere to the provisions of Mendocino County Code Chapter 9.32.
 - (d) Promotional items and free product give-a-ways by A- license retailers/dispensaries is prohibited.
- (E) Distribution Facility.

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- (1) A distribution facility shall be a site or location where distribution, as defined herein, occurs.
 - (2) Distribution CFBLs may be issued in the following categories, as these categories are defined in State laws and regulations, and subject to the restrictions of this Chapter: Distributor Transport Only, Self-Distribution, and Distributor.
 - (3) A distribution facility shall be a commercial use type, provided, however, that a distribution CFBL may be issued for a location in any zoning district as an accessory use to cultivation or other CFBL types at that location, but the distribution CFBL shall be limited to the distribution of cannabis cultivated at that location, cannabis processed at that location, cannabis products manufactured at that location, or, for a retailer/dispensary, the distribution of cannabis or cannabis products to be sold at that location.
- (F) Microbusinesses.
- (1) Microbusiness, as defined herein, shall be the use type which is the predominant use type of that microbusiness.
 - (2) Microbusinesses with on-site cannabis cultivation must comply with and obtain a permit pursuant to Chapters 10A.17 and 20.242 of the Mendocino County Code.
 - (3) Microbusinesses with on-site processing, distribution, wholesale, manufacturing and/or retail sales or dispensing of its products shall comply with all applicable sections of this Chapter.
 - (4) Microbusinesses proposed in the General Commercial (C2) zoning district must demonstrate that the retail component of the Microbusiness is the primary use and other uses are incidental and subordinate to the retail component.
 - (5) All components of a microbusiness must comply with the development requirements of the zoning district in which it is located.
 - (6) The manufacturing of edible cannabis products is permitted in compliance with State of California regulations.
 - (7) Notwithstanding Table 1 of Section 20.243.060, a microbusiness may be allowed in any zoning district provided that (a) the microbusiness either (i) qualifies as a home occupation pursuant to Chapter 20.156 or (ii) is permitted as a cottage industry pursuant to Chapter 20.160; and (b) there is a cultivation site permitted pursuant to Chapters 10A.17 and 20.242.
 - (8) Microbusinesses which are either a home occupation or cottage industry shall (a) have any distribution component be limited to Distribution of the microbusiness' own cannabis and cannabis products and (b) have any retail/dispensary component be limited to the number of daily customers as allowed by either Chapter 20.156 or Chapter 20.160.
 - (9) All cultivation, manufacturing, distribution, and retail activities performed by a licensee/CFBL Holder under a permitted microbusiness shall occur on the same licensed premises.
 - (10) Square footage related to cultivation of cannabis or the processing of the cannabis grown on-site as part of a microbusiness shall not be counted toward the maximum square footage allowed under either a home occupation or cottage industry.

Sec. 20.243.050 General Limitations on Cannabis Facilities.

- (A) All cannabis facilities shall comply with all applicable regulations in the Mendocino County Code and State law.
- (B) Cannabis facilities other than Manufacturing Level 2 (Volatile) or Microbusinesses with a cultivation site shall not be allowed within a 600-foot radius of a youth-oriented facility, a school, a park, or any

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church or residential treatment facility, as those terms are defined in section 10A.17.020 of the Mendocino County Code, that is in existence at the time a Cannabis Facility Business License is applied for; Manufacturing Level 2 (Volatile) facilities and Microbusinesses with a cultivation site shall not be allowed within 1,000 feet of such places or facilities. The distance between the uses listed in the preceding sentence and the cannabis facility shall be measured in a straight line from the nearest point of the cannabis facility to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation.

- (1) Applicants may apply for a reduction in the setback described in this paragraph (B) through an administrative permit pursuant to section 20.243.090 of this Chapter.
- (C) All structures associated with permitted cannabis facilities shall comply with the setbacks established by the zoning district in which the cannabis facility site is located.
- (D) All cannabis facilities shall be located in a permanent building in conformance with the California Building Code as adopted by Mendocino County for a commercial or industrial building, as applicable, and shall not be located in a dwelling unit, recreational vehicle, cargo container, motor vehicle or other similar personal property, except as provided for by Mendocino County Code Chapter 20.156 or Chapter 20.160.
- (E) The processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis is not permitted within any habitable space (i.e., kitchen, bedroom, bathroom, living room or hallway) of a dwelling unit nor is it permitted within any required parking space, except as otherwise allowed in this chapter, except as provided for by Mendocino County Code Chapter 20.156 or Chapter 20.160.
- (F) Cannabis facilities proposed in Industrial zoning districts shall be subject to the provisions of Development Review pursuant to Chapter 20.188, as applicable.
- (G) Cannabis facilities shall implement the following security measures:
 - (1) Sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
 - (2) Security measures to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility.
 - (3) Establishing limited access areas accessible only to authorized personnel.
 - (4) Storing all cannabis and cannabis products in a secured and locked room, safe, or vault and in a manner sufficient to prevent diversion, theft, and loss.
 - (5) Diversion, theft, loss or any criminal activity involving the facility or any other breach of security must be reported immediately to law enforcement.
- (H) Cannabis remnants, infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary, and secure manner. Any portion of the cannabis remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers.
- (I) Signage associated with permitted cannabis facilities shall meet the applicable requirements set forth in the Mendocino County Zoning Code for signage and other applicable State regulations.

Sec. 20.243.060 Permit Types and Zoning Districts.

All cannabis facilities shall be permitted in accordance with this Section. All new cannabis facilities shall obtain approval from other State and Local agencies with permitting jurisdiction. Cannabis facilities may be allowed with an approved Zoning Clearance, ~~or~~ Administrative Permit, ~~Minor Use Permit, or Major Use Permit~~ as required for the zoning district in which the cannabis facility is located as listed in Table 1, below:

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Table 1 Permit Requirements for Processing, Manufacturing, Testing, Retailers, Distribution, and Microbusiness by Zoning District and Cannabis Facilities Code Permit Type								
Permit Type		Processing	6-A and 6-M	7-A and 7-M	8-A and 8-M	10-M and 10-A	11-A and 11-M	12-A
			Manufacturing Level 1 (Non-volatile) **	Manufacturing Level 2 (Volatile)	Testing	Retail/ Dispensary	Distribution	Microbusiness
Zoning District	RR 2	—	—	—	—	—	—	—
	RR 5	—	—	—	—	—	—	—
	RR 10	—	—	—	—	—	—	—
	R3	—	—	—	—	—	—	—
	RC	AP	AP	UP-AP	UP-AP	UP-AP	UP-AP	UP-AP
	SR	—	—	—	—	—	—	—
	AG	AP	—	—	—	—	—	—
	UR	AP	—	—	—	—	—	—
	RL	AP	—	—	—	—	—	—
	FL	AP	—	—	—	—	—	—
	TPZ	—	—	—	—	—	—	—
	C1	AP	—	—	—	ZC	—	—
	C2	AP	UP-AP	—	ZC	ZC	UP-AP	AP
	I1	ZC	ZC	AP	ZC	UP-AP	ZC	AP
	I2	ZC	ZC	AP	ZC	UP-AP	ZC	AP
PI	ZC	ZC	AP	ZC	UP-AP	ZC	AP	
— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit, MUP = Major Use Permit								
* See Section 20.243.040(A)(2) regarding processing of cannabis grown on site. ** See Section 20.243.040(B)(2) regarding home manufacturing exception.								

Notwithstanding the above Table 1:

- (A) Distribution licenses shall be allowed in any zoning district as an accessory use to other cannabis facilities on the site, subject to the limitations of paragraph (E) of section 20.243.040.
- (B) Non-Storefront Retail locations shall be permitted in any zoning district as an accessory use to a cultivation site under application review or permitted pursuant to Chapters 10A.17 and 20.242.

Sec. 20.243.070 Exceptions.

- (A) Existing packing and processing facilities. Establishment of new cannabis facilities may be considered with an ~~an Minor Use~~Administrative Permit in FL, AG, or RL Districts, and in any other zoning district where such facilities exist subject to compliance with the County's existing nonconforming use requirements in Chapter 20.204, and consistent with Section 20.243.090 *Planning Approval Required to Process, Manufacture, Test, Dispense, Retail, and Distribute, Cannabis*, where all of the following can be demonstrated:

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- (1) The site has been previously permitted as a packing and processing facility prior to the effective date of these regulations.
- (2) The site is developed with an existing packing and processing facility, including buildings, roads, power source, water source, and sewage disposal system.
- (3) There will be no net expansion of impervious surfaces.
- (4) No trees shall be unlawfully removed.

If all of the above are true, substantial improvements to existing facilities and systems would be acceptable, subject to ~~use permit~~ Administrative Permit conditions of approval and subject to the making of findings consistent with those found in Chapter 20.204, as applicable.

- (B) Business offices for cannabis at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Business offices that are clearly incidental and secondary to the use of the premises for residential purposes where cannabis cultivation or manufacturing may occur are subject to the provisions of Mendocino County Code Chapter 20.156. Cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Mendocino County Code.

Sec. 20.243.080 Continued Operation.

All cannabis retailers/dispensaries operating with an approved business license prior to the effective date of these regulations, are eligible to continue operations without obtaining any additional permit which may be required by this Chapter, but shall comply with the requirements listed in sections 20.243.040 and 20.243.050, except for paragraph (C) of section 20.243.050, and any requirements of State law.

Sec. 20.243.090 Planning Approval Required for Processing, Manufacturing, Testing, Retail/Dispensary, and Distribution Facilities for Cannabis.

- (A) Planning Approval Procedure. Each cannabis facility site is subject to one of the following planning procedures that correspond to the applicable zoning district, as specified by Table 1 of this Chapter. Planning and Building shall review the application in accordance with the applicable planning approval process.
- (1) Zoning Clearance. Planning and Building Services and the Department of Environmental Health shall review projects for compliance with applicable local regulations.
 - (2) Administrative Permits.
 - (a) In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for a cannabis facility based on the following special findings:
 - (i) The cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.
 - (ii) The cannabis facility will avoid or minimize odor and light impact on residential uses.
 - (iii) The findings required by Section 20.~~196~~192.020 shall also be made.
 - (b) In addition to the requirements of paragraph (a) above, administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 20.243.050(B) based on the following special findings:
 - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
 - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

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(iii) That the granting of such reduction will not adversely affect the General Plan.

~~(3) Minor Use Permits. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a cannabis facility based on findings in Sections 20.196.020 and 20.196.030.~~

~~(a) The cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.~~

~~(b) The cannabis facility will avoid or minimize odor and light impact on residential uses.~~

~~(4) Major Use Permits. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Major Use Permit for a cannabis cultivation site based on findings in Sections 20.196.020 and 20.196.030.~~

~~(a) The cannabis facility site is allowed in the zoning district and it is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.~~

~~(b) The cannabis facility will avoid or minimize odor and light impact on residential uses.~~

(B) The County shall notify any State licensing authority, as defined by the MAUCRSA, as applicable, whenever the County business license or, Administrative Permit ~~or Minor or Major Use Permit~~ has been revoked or terminated.

Sec. 20.243.100 Permit Application Submittal Requirements for Administrative Permits, ~~Use Permits and Major Use Permits~~ for Cannabis Facilities.

Any person or entity that wishes to engage in the processing, manufacturing, testing, dispensing, retailing, and distributing, of cannabis shall submit an application to Planning and Building. Applications for cannabis facilities shall be made upon such forms and accompanied by such plans and documents as may be prescribed by Planning and Building so as to assure the fullest practical presentation of facts for the review of the application. An application fee will be due at the time the application is submitted and is non-refundable.

Applicants for a permit for a cannabis facility shall provide the standard application materials for Administrative Permits ~~, Use Permits, and Major Use Permits, as applicable,~~ and all of following information on, or as an attachment to, the application:

(A) An operations plan which provides a description of the proposed processing, manufacturing, testing, dispensing, retailing, or distributing of cannabis activities including, but not limited to, permit type, size of facility or structure where business will be conducted, description of the nature of the activity, product type, average production amounts (including each product produced by type, amount, process, and rate), source of cannabis material product(s), estimated number of employees, hours of operation, visibility, and anticipated number of deliveries and pickups.

(B) Planning and Building is hereby authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.

Sec. 20.243.110 Permit Revocation.

An Administrative Permit ~~or Use Permit~~ may be revoked or modified according to the revocation or modification provisions in Mendocino County Code sections 20.192.060 ~~and 20.192.065 or sections 20.196.055 and 20.196.060, respectively.~~ Grounds for seeking revocation or modification include: non-compliance with one (1) or more of the requirements listed in this Code; failure to comply with the requirements of the Mendocino County Certified Unified Program Agency (CUPA), or any of the grounds listed in code sections identified in this paragraph, as applicable, and any successor provisions.

EXHIBIT B

July 2024 |

**ADDENDUM TO THE ENVIRONMENTAL IMPACT
REPORTS FOR:**

**THE MENDOCINO COUNTY GENERAL PLAN
(SCH No. 2008062074) AND
THE UKIAH VALLEY AREA PLAN (SCH No.
2003072038)**

**FOR AMENDMENTS TO MENDOCINO COUNTY
ZONING ORDINANCE (TITLE 20, DIVISION I)**

Prepared BY:

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1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

1.1 BACKGROUND

The General Plan is the foundational development policy document of the County. It defines the framework by which the physical, economic, and human resources of the County are managed and used over time. The General Plan acts to clarify and articulate the County's intentions concerning the rights and expectations of the public, property owners, and prospective investors and business interests. The General Plan informs these citizens of the goals, objectives, policies, and standards for the development of the County and all sectors' responsibilities in meeting these. One of the main implementation tools of the General Plan is the Zoning Ordinance. The Mendocino County Zoning Ordinance (Title 20, Division I) was last updated in 1987 with minor amendments occurring thereafter.

Changes to the Division I of Title 20 are desirable at this time for several reasons. The Mendocino County General Plan was adopted in August 2009, and the Ukiah Valley Area Plan (UVAP) was adopted in August 2011. Both plans require that updates to the Zoning Code occur to implement measures called out in the General Plan and UVAP. Changes in state law have occurred in recent years related to various housing issues also necessitate amendments to the Zoning Ordinance, and staff of the Department of Planning and Building Services have also identified clean up changes and changes to make the Zoning Ordinance more user-friendly. A summary of the amendments is provided below.

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 Rancher; 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; 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.

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 code more user friendly; and (3) to remove unnecessary or redundant sections. Many existing regulations would stay the same, with the changes to the code being the addition of graphics and tables to simplify the interpretation of the regulations.

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The updated Zoning Ordinance also provides for two new zoning classifications: Mixed-Use North Street (MUNS), and Mixed-Use Brush Street Triangle (MUBST), which are required zoning classifications by the UVAP for the North State Street corridor and the Brush Street Triangle and respectively provide 6-29 dwelling units/acre for the MUNS district and 5-20 dwelling units/acre for the MUBST district.

Other changes to the Zoning Ordinance include: Variances will now be under the authority of the Planning Commission, as many variances in the past have been controversial and should require the review of a hearing body and not a hearing officer; establishment of regulations for Food Trucks; Clarified regulations for temporary uses, sign regulations, and off-street parking requirements; and the allowance for Second Residential Units (SRUs) in lieu of ADUs, which furthers the choices of types of residential units in the County, within the established density requirements set forth in the General Plan. 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.

Revisions of the zoning code are being undertaken pursuant to Government Code Section 65800 *et seq.*, which provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities, as well as to implement the General Plan. Additionally, Government Code Section 65804 provides for the implementation of minimum procedural standards for the conduct of city and county zoning hearings. Further, Government Code Section 65850 also provides that the legislative body of any county or city may, adopt ordinances that do any of the following:

- (a) Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation enjoyment of scenic beauty, use of natural resources, and other purposes.
- (b) Regulate signs and billboards
- (c) Regulate the following:
 - (1) The location, height, bulk, number of stories, and size of buildings and structures.
 - (2) The size and use of lots, yards, courts, and other open spaces.
 - (3) The percentage of a lot which may be occupied by a building or structure.
 - (4) The intensity of land use.
- (d) Establish requirements for off-street parking and loading.
- (e) Establish and maintain building setback lines.
- (f) Create civic districts around civic centers, public parks, public buildings, or public grounds and establish regulations for those civic districts.
- (g) Require as a condition of the development of residential rental units, that the development include a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for households specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code. The ordinance shall provide alternative means not limited to, in-lieu fees, land dedications, off-site construction, or acquisition and rehabilitation of existing units.

While the General Plan EIR and the UVAP EIR did not specifically address the current or proposed Mendocino County Inland Zoning Ordinance, the proposed project will not result in physical changes to the

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1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

environment but require the implementation of zoning regulations consistent with state law, including making changes mandated by state law related to housing. None of the regulations in the proposed project would change the existing land use pattern established by the General Plan and evaluated in the General Plan EIR. All future construction within the County must comply with the General Plan, UVAP, the zoning ordinance, state and federal permits, and local development standards. In addition, future discretionary actions (i.e., administrative permits, use permits, site plan review) require independent and project-specific environmental review.

This document serves as the environmental documentation for the County's proposed Mendocino County Zoning Ordinance (Title 20, Division I) update. The California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") and its implementing Guidelines (14 Cal. Code Regs. 15000 *et seq.*; "CEQA Guidelines") apply to the proposed code amendments. In the case of a modification to a project for which an EIR has been approved (as is the case with the proposed Zoning Ordinance update), CEQA and the CEQA Guidelines require the lead agency to determine whether a supplemental or subsequent EIR is required. This requirement is codified in Public Resources Code section 21166 and also stated in CEQA Guidelines Section 15162. Section 15162 provides guidance in this process by requiring an examination of whether, since the certification of the EIR and approval of the original project, changes in the project or conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, the County would be required to prepare a subsequent or supplemental environmental review document. If only minor technical changes or additions are necessary, or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, an addendum may be prepared. The addendum should include a brief explanation of the decision not to prepare a subsequent or supplemental environmental document, supported by substantial evidence, and the lead agency's required findings on the project.

This Addendum examines the proposed Amendments in accordance with Section 15162. This addendum to the Mendocino County General Plan EIR and the UVAP EIR demonstrates that the analysis contained in those EIRs adequately addresses the potential physical impacts associated with implementation of the proposed 2024 Mendocino County Inland Zoning Ordinance update. None of the conditions described in CEQA Guidelines Section 15162, calling for the preparation of a subsequent EIR or negative declaration, exist.

The General Plan EIR and UVAP EIR may be found at the following website:
<https://www.mendocinocounty.gov/departments/planning-building-services/long-range-plans>.

1.2 SUMMARY OF SIGNIFICANT & UNAVOIDABLE IMPACTS IDENTIFIED IN GENERAL PLAN EIR

On August 17, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-182 certifying the Final Environmental Impact Report for the 2009 Mendocino County General Plan Update ("General Plan EIR"), making findings of fact related to the feasibility of mitigation measures and project alternatives, adopting a Statement of Overriding Considerations, and adopting a mitigation monitoring and reporting program. The resolution identifies the following significant, unavoidable, growth inducing, and/or cumulative significant impacts:

(a) Air Quality:

- (1) Impact 4.3.2: Subsequent land use activities associated with implementation of the proposed General Plan may result in short-term emissions generated by construction and demolition activities that would affect local air quality and could result in health and nuisance-type impacts in the immediate vicinity of individual construction sites as well as

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contribute to particulate matter and regional ozone impacts. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

- (2) Impact 4.3.3: Negative air quality impacts associated with long-term emissions from projected growth over the planning horizon of the General Plan Update may result in violations of ambient air quality standards or create significant nuisance impacts (e.g., wood smoke). Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (3) Impact 4.3.4: Subsequent land use activities associated with implementation of the proposed General Plan Update may result in projects that would include sources of toxic air contaminants which may affect surrounding land uses/or place sensitive land uses near existing sources of toxic air contaminants. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (4) Impact 5.0.3: Subsequent land use development activities associated with implementation of the proposed General Plan along with existing, approved, proposed, and reasonably foreseeable cumulative development within the air basin would contribute to regional air quality impacts. The proposed General Plan Update's contribution to these conditions is cumulatively considerable. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (5) Impact 5.0.4: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in the cumulative increase of greenhouse gases including CO₂ emitted into the atmosphere. The proposed General Plan Update's contribution to this impact would be cumulatively considerable. Proposed General Plan policies and action items can effectively reduce greenhouse gas (GHG) emissions. Whether or not these requirements will reduce emissions effectively enough to mitigate the county's contribution to GHGs is unknown. The only entities which have jurisdiction over vehicle emissions in California are the state or federal government. Therefore, until such time that there are thresholds of significance to which the county's GHGs contribution can be compared, it must be assumed that any increase in GHGs will lead to a change in climate.
- (6) Impact 5.0.5: The impacts of global climate change would cumulatively result in the potential decrease in water supply, increase in air pollutants, and increase in health hazards. The contribution of the proposed General Plan Update to this impact is considered cumulatively considerable. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

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(b) Biological Resources:

- (1) Impact 4.4.2: Subsequent land uses activities and growth under the proposed General Plan Update could have a substantial adverse effect on any wetlands, riparian, or other sensitive biotic community or native habitat within the county. Even with implementation of Mitigation Measures MM 4.4.2a and 4.4.2b, which are incorporated into the proposed General Plan Update as policies in the Resource Management Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (2) Impact 5.0.6: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development, would substantially contribute to cumulative impacts associated with significant effects to special-status plant and wildlife species, sensitive natural communities, and movement corridors. The impact to sensitive biotic communities would be cumulatively considerable. Even with implementation of Mitigation Measures MM 4.4.1 a, 4.4.1 b, 4.4.2a, 4.4.2b, and 4.4.3 which are incorporated into the proposed General Plan Update as policies in the Resource Management Element (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(c) Hydrology and Water Quality:

- (1) Impact 4.8.4: Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for water from groundwater sources and could thus result in overdraft. Even with implementation of the proposed General Plan policies and action items relating to groundwater resources, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (2) Impact 5.0.13: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, would contribute to the drawdown of underlying aquifers and decreased recharge in the North Coastal Basin. This impact is considered cumulatively considerable. Even with implementation of the proposed General Plan policies and action items relating to groundwater resources, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(d) Noise:

- (1) Impact 5.0.16: Subsequent land use activities associated with implementation of the proposed General Plan Update, along with existing, approved, proposed, and reasonably foreseeable development in the region, could result in increased traffic noise conflicts. This is considered a cumulatively considerable impact. Even with implementation of proposed General Plan policies addressing noise impacts, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(e) Public Services:

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- (1) Impact 4.12.1.1: Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for fire protection and emergency medical services and facilities. Even with implementation of General Plan policies and action items as well as Section 8.80.020 and Chapter 9.05 of the Mendocino County Code, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
 - (2) Impact 5.0.18: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would increase development and population and contribute to the cumulative demand for fire protection and emergency medical services. This is considered a cumulatively considerable impact. Even with implementation of the proposed General Plan policies and action items relating to fire protection and emergency medical services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
 - (3) Impact 4.12.2.1: Subsequent land use activities associated with implementation of the proposed General Plan Update may result in increased demand for law enforcement services, potentially resulting in the need for additional law enforcement personnel and related facilities. This is considered a potentially significant impact. Even with implementation of proposed General Plan policies and action items relating to law enforcement services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
 - (4) Impact 5.0.19: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would contribute to the cumulative demand for additional law enforcement services and facilities. Even with implementation of proposed General Plan policies and action items relating to law enforcement services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (f) Transportation and Circulation
- (1) Impact 4.13.1: Subsequent land use activities in the county could result in additional traffic on area highways, which could exceed level of service standards. Implementation of the proposed General Plan Update would contribute to this impact. Even with implementation of proposed General Plan policies and action items relating to traffic, this impact would remain significant, and there are no other feasible mitigation measures or alternatives within the authority of the County that would reduce this impact to a less than significant level.
 - (2) Impact 5.0.22: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in cumulative traffic impacts on area highways. This is considered a cumulatively considerable impact. Even with implementation of proposed General Plan policies and action items relating to traffic, this impact would remain significant, and there are no other feasible mitigation measures or alternatives within the authority of the County that would reduce this impact to a less than significant level.

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(g) Utilities and Service Systems

- (1) Impact 4.14.1.1: Subsequent land use activities associated with implementation of the proposed General Plan Update could require additional water supplies, storage capacity, and treatment and conveyance facilities to adequately serve subsequent development. Even with implementation of the service system related policies and action items of the proposed General Plan Update Resource Management Element and Development Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (2) Impact 5.0.23: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the North Coastal Basin, may contribute to the cumulative demand for water supplies and associated facilities. This is considered a cumulatively considerable impact. Even with implementation of the service system related policies and action items of the proposed General Plan Update Resource Management Element and Development Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

The Statement of Overriding Considerations found that the benefits of the project outweigh the significant impacts due to the following considerations:

(a) Environmental.

- (1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.
- (2) The Project reiterates and reinforces the County's commitments to protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.
- (3) The General Plan recognizes the wide range of County natural systems, open spaces and recreational opportunities by protecting and enhancing resources. Consistent with this approach, development opportunity is focused in community areas that will support more compact urban development patterns, where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air quality.
- (4) The Project supports ecologically sustainable agricultural operations and protection and enhancement of important natural resources through encouraging research, vegetation management programs, best management practices, and technical assistance for agricultural operators while encouraging farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.
- (5) The Project includes goals, objectives, and policies that provide additional protection of the County's important natural resources, such as water resources, biotic resources, freshwater and marine environments, scenic resources, timber and agricultural resources. The General Plan contains a comprehensive set of policies and actions (located in the Resource Management Element), which seek to address how Mendocino County manages water supply and quality issues. Key among these recommendations is the need to gather more information to supplement what is already known about water

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supplies so that future decisions will be based on the best knowledge available. The Project protects and enhances the county's natural ecosystems and valuable resources through prevention of loss of the county's biological resources and fragmentation of oak woodlands, forests, and wildlands and preservation of their economic and ecological values and benefits.

- (6) The General Plan includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate change. Directing new growth into incorporated cities and established communities and increasing bike, pedestrian and transit systems will help lower transportation related GHG emissions. Improving building energy efficiency standards and promoting the use of renewable sources (wind, sun, thermal) will lower emissions as well as consumption of fossil fuels.
- (7) The Project provides updated General Plan policies that protect water resources. The County will work with agencies in developing long-term water supplies to meet the growth needs planned in this General Plan. Updated General Plan policies recognize the importance of water conservation as part of a sustainable management plan.
- (8) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on options for implementing waste reduction targets, encouraging "green building" design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

(b) Economic and Fiscal.

- (1) The Project focuses on the long term relative to creation of permanent jobs for local residents, consistent with each community planning area's vision for development. Creation of new employment opportunities will be balanced with protection of the environment and natural resources, with the goal of developing new businesses that utilize sustainable systems. Agricultural and timber-based operations are to be protected. Expansion of the tourism industry and County recreational activities will be encouraged.
- (2) The Project emphasizes long-term and sustainable economic and community needs over short-term gains by promoting sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.
- (3) The Project facilitates a variety of land uses and employment opportunities in community areas, consistent with local community needs and environmental constraints and promotes diversified employment opportunities in the industrial sector and agricultural processing operations. In all instances, the General Plan promotes and encourages land uses that incorporate environmentally sound practices.
- (4) The Project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on mixed-use development. Additionally, policies call for business retention, expansion and diversification, with an emphasis on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts and protecting natural resources.
- (5) The Project recognizes the importance and value of agricultural production and the wine industry's annual economic contribution. According to the 2006 Mendocino County Crop Report the total value of agricultural production, excluding timber, was approximately

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\$136.7 million. Agriculture has a significant role in the Mendocino County economy, which supports a growing tourism and hospitality industry, increases tax revenue and provides employment opportunities.

(c) Social.

- (1) The Project includes policies, goals, and objectives which conform to the County's longstanding growth history, defining a rate of population growth that perpetuates County residents' quality of life.
- (2) The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development. Planning efforts will emphasize local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.
- (3) The Project reflects the County's commitment to the health and well-being of all its residents, and the General Plan land use plans, policies and programs are designed to promote health through promoting an active, inclusive county, where healthy habits are encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable communities.
- (4) The Project development pattern policies provide for new development in the county's community planning areas, where infrastructure and public services are available. In these areas, compact forms of development will be emphasized, using infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, minimizing urban sprawl and preserving the predominantly rural character of the county.
- (5) The Project emphasizes local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.
- (6) The Project encourages coordination and partnering with the cities in Mendocino County is encouraged to develop appropriate land use patterns at the city/county interface, minimize environmental and economic impacts, and maximize environmental and economic benefits.
- (7) The Project protects the wide range of historic, cultural, and archaeological resources through a variety of actions, including working closely with the County Museum, Native American Tribes, other organizations, and agencies. New development projects will be evaluated for potential impact to cultural resources. The County will consider adoption of a historical review code as an additional means of ensuring protection of historic resources.
- (8) The Project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation, rather than focusing solely on vehicular transportation, while stressing community livability. Emphasis is placed on improving and maintaining existing roadway systems and bridges, as opposed to construction of new roadways. This emphasis is in keeping with other General Plan policies that focus new development in the county's community areas. The County will also support programs intended to reduce the number and extent of vehicle trips by working with major employers, supporting carpool and vanpool facilities and incentive programs reducing single-occupant vehicle use. Policies in this Element provide

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for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the county's system of pedestrian, bicycle, and trail routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.

- (9) The Project establishes a wide range of parks and recreational opportunities for county residents. The policies call for a needs assessment of parks and recreation, followed by actions to provide needed facilities incorporating multiple uses of parks and school facilities and open spaces in urban communities. The County will work closely with local agencies and school districts in developing its parks and recreation plans and programs. With an emphasis on community livability, policies call for development of trails and bicycle lanes and paths throughout the county.
- (10) This General Plan recognizes the need and importance of providing adequate law enforcement services for the county, calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.

(d) Housing.

- (1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Mendocino must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code section 21000(g).) The proposed 2009 GPU sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.
- (2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The 2009 GPU also outlines a variety of strategies for the County to use to address its long-term housing needs and to meet state and regional housing requirements.
- (3) The Project intent is to provide a range of flexibility in how the General Plan is implemented, through updates to the Zoning Ordinance and other development codes. Similarly, flexibility in development standards helps implement the Housing Element.

(e) Legal and Regulatory.

- (1) The Project provides for cooperative planning between the County and the four incorporated cities in the county, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.
- (2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County's obligations to social, environmental, and housing considerations, all within the constraints of the County's limited budget.

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- (3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.
- (4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (See Public Resources Code section 21004.)

1.3 SUMMARY OF SIGNIFICANT & UNAVOIDABLE IMPACTS IDENTIFIED IN UKIAH VALLEY AREA PLAN EIR

On August 2, 2011, the Mendocino County Board of Supervisors adopted Resolution No. 11-112 certifying the Final Environmental Impact Report on the Ukiah Valley Area Plan and associated land use map changes ("UVAP EIR"), making findings of fact related to the feasibility of mitigation measures and project alternatives, adopting a Statement of Overriding Considerations, and adopting a mitigation monitoring and reporting program. The resolution identifies the following significant, unavoidable, growth inducing, and/or cumulative significant impacts:

(a) Land Use:

- (1) Impact 3.1-B: Land uses and development consistent with the UVAP would convert farmland and prime agricultural soils to non-agricultural uses. Mitigation Measure 3.1-B.1 reduced the impact; however, even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (2) Impact 3.1-F: Implementation of the UVAP would induce growth of population in the plan area by accommodating new residences and businesses. Even with the implementation of UVAP Policy LU4.1 and other UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (3) Impact 3.1-H: Construction of new commercial development and residential development could have social and economic effects that result in a physical adverse change in the environment. Mitigation Measure 3.1-H.1 reduces the impact; however, even with the implementation of the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(b) Geology and Soils:

- (1) Impact 3.2-A: Land uses and development consistent with the UVAP would increase the number of persons exposed to risk of injury and death and the amount of property damage resulting from seismic events in the plan area, including impacts from surface rupture, strong seismic shaking, liquefaction, and landsliding. The Health and Safety Section of the UVAP contains policies and measures to address this impact, specifically Policies HS1.1 and HS1.5. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(c) Hydrology and Water Quality:

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- (1) Impact 3.3-E: Land uses and development consistent with the UVAP could result in the need for new or enlarged storm drain facilities whose construction could result in adverse environmental effects. The County may need to construct new storm drain system improvements to serve area buildout. Construction of those improvements (specific future projects will be identified when needed) would have unknown, but potentially significant site-specific environmental effects. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(d) Cultural Resources:

- (1) Impact 3.5-A: Land uses and development consistent with the UVAP has the potential to adversely affect areas of archaeological or historical importance. New development allowed by the UVAP could destroy currently undiscovered cultural resources. All the policies contained in the Historical and Archaeological Preservation Section provide protection for these resources when conditioning discretionary projects. Mitigation Measures 3.3-A.1 and 3.4-A.1 apply to this impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (2) Impact 3.5-B: Land uses and development consistent with the UVAP has the potential to adversely affect areas containing significant paleontological resources. New development allowed by the UVAP could destroy paleontological resources. Adopted General Plan Policy DE-116 requires paleontological resources studies at the County's discretion for all project applications. The studies should identify paleontological resources in a project area and provide mitigation measures for any resources in a project area that cannot be avoided. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(e) Air Quality:

- (1) Impact 3.7-A: Land uses and development consistent with the UVAP and buildout of the City of Ukiah would increase traffic volumes and could generate harmful emissions of air pollutants that could result in exposure of people to substantial pollution, violate air quality standards, and/or conflict or obstruct MCAQMD's air quality plan. New development allowed by the UVAP will increase traffic and that traffic will emit hazardous air pollutants, which can adversely affect human health and other environmental resources. The UVAP provides many policies to address these air quality impacts, including:
 - Policy EA1.3: Maintain and improve air quality.
 - Policy LU1.4: Continue to allow growth in High Intensity Development Corridors.
 - Policy CT1.2: Maintain an acceptable level of service conditions on existing roadways.
 - Policy CT1.4: Comprehensively plan for the future of the Ukiah Valley rail corridor.
 - Policy CT2.1: Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.
 - Policy CT2.2: Develop a safe and integrated bicycle transportation system in order to promote the use of bicycles as a viable and attractive alternative to the automobile.

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- Policy CT2.3: Increase public transportation use by improving services

Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(f) Aesthetics:

- (1) Impact 3.9-A: Future development, unless carefully sited and designed, may be inconsistent with the existing scale and character of existing development in the surrounding area. This development could result in views that are aesthetically offensive. New development allowed by the UVAP will replace open space views with views of development. Such an impact is a necessary result of allowing substantial new development in the plan area. The Open Space and Conservation Section and the Community Design Section provide many policies to concentrate growth in already developed areas and to preserve open space resources. Mitigation Measure 3.9-A.1 reduces the impact; however, even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (2) Impact 3.9-B: Future development, unless carefully sited and designed, may be inconsistent with the existing scale and character of existing development in the surrounding area. This development could result in views that are aesthetically offensive. New development allowed by the UVAP will replace open space views with views of development. New development may be out of character or scale with surrounding development and land uses, and may be aesthetically offensive. The Draft 2007 UVAP contains many policies and measures to ensure that new development is aesthetically designed, especially the measure calling for the development and adoption of design review guidelines. Mitigation Measure 3.9-A.1 reduces the impact; however, even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (3) Impact 3.9-C: New development will create new glare and include new lights that will adversely affect nighttime views. New development allowed by the UVAP will affect existing nighttime views due to the addition of new lights. Policy CD2.2 addresses this impact by stating the County will develop design review guidelines to reduce excessive new light. Mitigation Measures 3.9-A.1 and 3.9-C.1 reduce the impact; however, even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(g) Public Services and Infrastructure:

- (1) Impact 3.10-A: New development resulting from buildout of the plan area would generate sufficient students to require the construction of new schools. The construction of those schools could have significant impacts on the environment. New development allowed by the UVAP will generate new students. It is possible that in the future, new schools will need to be built to house some of these additional students. Without knowing where the new school(s) would be built, it is assumed that their construction could have significant impacts. UVAP Policies LU4.1 and LU4.2 reduce the impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

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- (2) Impact 3.10-C: New development would increase the demand for a new criminal justice center. New development allowed by the UVAP will exacerbate the existing need for a new criminal justice center. Without knowing where the center would be built, it is assumed that its construction could have significant impacts. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (3) Impact 3.10-E: Future development could be placed in locations where people and structures would be exposed to potential wildland fires. New development allowed by the UVAP may be constructed in areas of the valley with high or very high fire hazard ratings. This will place people and improvements at risk from wildfires. UVAP Policies HS1.3 and HS1.4 along with Mitigation Measures 3.1-B.1 and 3.10-E.1 reduce the impact; however, even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (4) Impact 3.10-F: Future development in the plan area could cause conflicts with emergency response and evacuation plans. New development allowed under the UVAP could cause interference with emergency medical response and evacuation. UVAP Policies HS1.3, HS1.4, and HS1.5 along with Mitigation Measures 3.1-B.1 and 3.10-E.1 reduce the impact; however, even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (5) Impact 3.10-G: Development under the UVAP would increase the demands on emergency medical agencies serving the plan area, potentially creating the need for the Ukiah Valley Fire District, the Redwood Valley-Calpella Fire Protection District, Ukiah Fire Department, and Ukiah Ambulance Service to acquire new facilities and equipment. New development allowed under the UVAP would require additional emergency medical response. UVAP Policies LU4.1, L4.2, and HS1.4 reduce the impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (6) Impact 3.10-H: New development will increase the demand for potable water. It is possible that local water purveyors may be unable to meet the demand. Development of new sources of water could have significant environmental effects. Buildout allowed under the UVAP would require additional water supplies. Developing those additional sources could have significant impacts on the environment. UVAP Policies WM1.1, WM2.1, and LU4.1 reduce the impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (7) Impact 3.10-I: The increased demand for potable water could require constructing new treatment, storage, or supply facilities, and construction of these facilities could have significant environmental effects. New development allowed under the UVAP would require new water system improvements (e.g., water tanks, water lines, and pump stations). Constructing those improvements could have significant impacts on the environment. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

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- (8) Impact 3.10-K: Because future demand for wastewater services may exceed facility capacity, new or expanded facilities may need to be constructed. The construction of these facilities could have adverse environmental effects. Buildout allowed under the Draft 2007 UVAP would require new wastewater system improvements. Constructing those improvements could have significant impacts on the environment. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
 - (9) Impact 3.10-M: Future development under the UVAP would increase the plan area population, thereby increasing the demand for parks and recreational facilities. This increased demand could result in significant deterioration of existing facilities and the need for new or expanded facilities. New development allowed under the UVAP would require new parks and recreational facilities in order to provide normally acceptable levels of recreational facilities. The Parks and Recreation Section of the UVAP contain numerous policies to ensure that the County provides adequate recreational facilities. However, the UVAP cannot provide mitigations to cover the effects of future park construction. Constructing those improvements could have significant impacts on the environment. Mitigation Measure 3.10-M.1 reduces the impact; however, even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (h) Global Climate Change:
- (1) Impact 3.13-A: Land uses and development consistent with the UVAP could result in greenhouse gas emissions that exceed State emission targets and would adversely affect climate. New development allowed under the UVAP would generate emissions of greenhouse gases that would contribute to global climate change. Policies and mitigations for the Air Quality and Energy impacts apply to this impact in addition to Mitigation Measure 3.13-A.1. Even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
 - (2) Impact 3.13-B: The changing climate could cumulatively result in a decrease in water supply, increase in air pollution, and increase in health hazards. The changing global climate may adversely impact the area water supply and cause other adverse impacts. Policies and mitigations for the Air Quality and Energy impacts apply to this impact in addition to Mitigation Measure 3.13-A.1. Even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.
- (i) Growth-Inducing Impacts:
- (1) The UVAP would allow substantial new development. The plan would allow substantial new development and an increase in population. This added population will adversely affect the environment. The UVAP contains policies listed in previous impacts to regulate this growth. Even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

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The Statement of Overriding Considerations found that the benefits of the project outweigh the significant impacts due to the following considerations:

(f) Environmental.

- (1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.
- (2) The Project reiterates and reinforces the County's commitments to protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.
- (3) The General Plan recognizes the wide range of County natural systems, open spaces and recreational opportunities by protecting and enhancing resources. Consistent with this approach, development opportunity is focused in community areas that will support more compact urban development patterns, where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air quality.
- (4) The Project supports ecologically sustainable agricultural operations and protection and enhancement of important natural resources through encouraging research, vegetation management programs, best management practices, and technical assistance for agricultural operators while encouraging farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.
- (5) The Project includes goals, objectives, and policies that provide additional protection of the County's important natural resources, such as water resources, biotic resources, freshwater and marine environments, scenic resources, timber and agricultural resources. The General Plan contains a comprehensive set of policies and actions (located in the Resource Management Element), which seek to address how Mendocino County manages water supply and quality issues. Key among these recommendations is the need to gather more information to supplement what is already known about water supplies so that future decisions will be based on the best knowledge available. The Project protects and enhances the county's natural ecosystems and valuable resources through prevention of loss of the county's biological resources and fragmentation of oak woodlands, forests, and wildlands and preservation of their economic and ecological values and benefits.
- (6) The Project includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate change. Directing new growth to the State Street Corridor and established communities and increasing bike, pedestrian and transit systems will help lower transportation related GHG emissions. Improving building energy efficiency standards and promoting the use of renewable sources (wind, sun, thermal) will lower emissions as well as consumption of fossil fuels.
- (7) The Project provides updated General Plan policies that specifically address conditions in the Ukiah Valley and protect water resources. The County will work with agencies in developing long-term water supplies to meet the growth needs planned in this Area Plan.
- (8) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on

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options for implementing waste reduction targets, encouraging “green building” design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

- (9) The Project promotes “smart growth” by focusing future development in already-developed area that contain circulation and infrastructure systems that can serve that growth. The Project thereby provides ample protection for agriculture and open space in much of the Ukiah Valley.

(g) Economic and Fiscal.

- (1) The Project focuses on the long term relative to creation of permanent jobs for local residents, consistent with each community planning area’s vision for development. Creation of new employment opportunities will be balanced with protection of the environment and natural resources, with the goal of developing new businesses that utilize sustainable systems. Agricultural and timber-based operations are to be protected. Expansion of the tourism industry and County recreational activities will be encouraged.
- (2) The Project emphasizes long-term and sustainable economic and community needs over short-term gains by promoting sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.
- (3) The Project facilitates a variety of land uses and employment opportunities in community areas, consistent with local community needs and environmental constraints and promotes diversified employment opportunities in the industrial sector and agricultural processing operations. In all instances, the Project promotes and encourages land uses that incorporate environmentally sound practices.
- (4) The Project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on mixed-use development. Additionally, policies call for business retention, expansion and diversification, with an emphasis on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts and protecting natural resources.
- (5) The Project recognizes the importance and value of agricultural production and the wine industry’s annual economic contribution.

(h) Social.

- (1) The Project includes policies, goals, and objectives which conform to the County’s longstanding growth history, defining a rate of population growth that perpetuates County residents’ quality of life.
- (2) The Project best reflects the community’s expressions of quality of life and community values and guides the County’s future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development. Planning efforts will emphasize local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.
- (3) The Project reflects the County’s commitment to the health and well-being of all its residents, and the General Plan land use plans, policies and programs are designed to promote health through promoting an active, inclusive county, where healthy habits are

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encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable communities.

- (4) The Project development pattern policies provide for new development in the in areas where infrastructure and public services are available. In these areas, compact forms of development will be emphasized, using infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, minimizing urban sprawl and preserving the predominantly rural character of the county.
 - (5) The Project emphasizes local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.
 - (6) The Project encourages coordination and partnering with the City of Ukiah is encouraged to develop appropriate land use patterns at the city/county interface, minimize environmental and economic impacts, and maximize environmental and economic benefits.
 - (7) The Project protects the wide range of historic, cultural, and archaeological resources through a variety of actions, including working closely with the County Museum, Native American Tribes, other organizations, and agencies. New development projects will be evaluated for potential impact to cultural resources.
 - (8) The Project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation, rather than focusing solely on vehicular transportation, while stressing community livability. The County will support programs intended to reduce the number and extent of vehicle trips by working with major employers, supporting carpool and vanpool facilities and incentive programs reducing single-occupant vehicle use. Policies in the Plan provide for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the system of pedestrian, bicycle, and trail routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.
 - (9) The Project establishes a wide range of parks and recreational opportunities for county residents. The policies call for a needs assessment of parks and recreation, followed by actions to provide needed facilities incorporating multiple uses of parks and school facilities and open spaces in urban communities. The County will work closely with local agencies and school districts in developing its parks and recreation plans and programs. With an emphasis on community livability, policies call for development of trails and bicycle lanes and paths throughout the county.
 - (10)The Project recognizes the need and importance of providing adequate law enforcement services for the county, calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.
- (i) Housing.
- (1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Mendocino must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a “decent home

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and satisfying living environment for every Californian.” (See Public Resources Code section 21000(g).)

- (2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The County has agreed to a legal settlement requiring that the UVAP designate sufficient land to provide 480 affordable residential units on 24 acres, and the UVAP provides the required land use designation to meet this target as well as future Housing Needs targets.
 - (3) The Project intent is to provide a range of flexibility in how the Plan is implemented, through updates to the Zoning Ordinance and other development codes. Similarly, flexibility in development standards helps implement the Housing Element.
- (j) Legal and Regulatory.
- (1) The Project provides for cooperative planning between the County and the City of Ukiah, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.
 - (2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County’s obligations to social, environmental, and housing considerations, all within the constraints of the County’s limited budget.
 - (3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.
 - (4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (See Public Resources Code section 21004.)

1.4 PROJECT SUMMARY

The Mendocino County Zoning Ordinance is a key implementation tool for the General Plan. Many goals, policies, objectives, and action items in the adopted General Plan are achieved through Zoning, which regulates public and private development. The County is responsible for ensuring that its Zoning Ordinance is in conformity with the General Plan, which also includes incorporating recent policies and action items contained in the 2019 Housing Element update. The County is seeking to update the Zoning Ordinance (Title 20, Division I) of the Mendocino County Code. The following new and amended uses and regulations are included in the proposed Zoning Ordinance. The Zoning Ordinance (Title 20, Division I) maintains many of the existing regulations and use types, but the update is intended to clarify ambiguous topics and current regulations, such as temporary events, sign regulations, off-street parking regulations, etc. The following is a summary of the proposed updates in Title 20, Division I, Mendocino County Inland Zoning Ordinance:

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CHAPTERS PROPOSED TO BE REPEALED:

The following list contains Chapters proposed to be repealed and the reasons for the proposed repeal. Copies of these Chapters are included as attachments to this Memorandum for ease of reference.

20.112 “A-H” Airport Height Combining Districts

This combining district is intended to be applied on properties near airports where the height of structures may need to be limited for safety reasons. This combining district was applied to properties prior to the adoption of the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) in 1993. Since the adoption of the ACLUP, all development in an airport influence area is regulated under the ACLUP regardless of a combining district being applied to the parcel. Development within the airport influence area of Ukiah Airport is subject to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) adopted in 2021 which replaced the Ukiah Airport provisions of the 1993 ACLUP. The A-H combining district is proposed to be repealed and instead the single “AZ” Airport Zone combining district would be applied over all properties within an airport influence area, which requires compliance with the applicable standards of either the ACLUP or the UKIALUCP including height restrictions. If this repeal is approved, the Department will rezone several properties to reflect the change from A-H to AZ.

20.128 “AV” Airport Districts

This combining district is intended to be applied on properties used or planned to be used as airports. This combining district was applied to properties prior to the adoption of the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) in 1993. Since the adoption of the ACLUP, all development in an airport influence area is regulated under the ACLUP regardless of a combining district being applied to the parcel. Development within the airport influence area of Ukiah Airport is subject to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) adopted in 2021 which replaced the Ukiah Airport provisions of the 1993 ACLUP. The A-H combining district is proposed to be repealed and instead the single “AZ” Airport Zone combining district would be applied over all properties within an airport influence area, which requires compliance with the applicable standards of either the ACLUP or the UKIALUCP including airport property use restrictions. No parcels in the County are currently zoned AV.

20.140 “SH” Special Hazards Combining District

This combining district is intended to be applied to properties on which uses may need to be restricted because of the presence of potential hazards such as steep or unstable slopes, potential cliff erosion or other potential ground failure. Staff recommends repeal of this Chapter as no properties within the County are zoned with this combining district, areas with geologic risks as a result of known faults are zoned under the “SS” Seismic Study Combining District, and any other hazard concerns are addressed through the building permit process by the Building Division.

20.148 Supplemental Limitations on Uses

The limitations listed in this Chapter were intended to be designated with a number on the applicable use types in the preceding sections; however, it does not appear that they were applied to those use types when the Division I was adopted in 1987. All limitations included under this Chapter have been merged into either use type descriptions or deleted due to being either unnecessary or conflicting with State Law. Limitations applicable to Farm Employee or Farm Labor Housing were determined to be inconsistent with state law which requires the treatment of these types of uses as the same as other residential or agricultural uses and therefore these were deleted. Limitations applicable to veterinary hospitals were moved into Chapter 20.152. Limitations on enclosed storage, enclosed building, enclosed building or walls, retail establishments, and gasoline sales were removed since these were never applied to use types in the original zoning code, staff was unable to determine what use types these were originally intended to be applied to.

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20.206 Extension of Time for Qualifying Clean Slate/BLUR II Applicants

This Chapter is noted in section 20.206.015 as being repealed as of August 1, 1991. Repeal of the Chapter is consistent with Ordinance 3737 adopted in 1990 that established the repeal date of August 1, 1991. There is no need to keep this Chapter as part of County Code.

20.220 General Plan—Zoning Ordinance Compatibility

The provisions of this Chapter are proposed to be merged into Chapter 20.040 Establishment of Zoning Districts.

20.224 Interim Urgency Ordinance Prohibiting New or Expanded Industrial Uses on Pinoleville Rancheria

This interim urgency ordinance expired on May 23, 1990. As it is no longer effective, Staff recommends repeal.

20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area

This interim urgency ordinance expired on February 12, 1991. As it is no longer effective, Staff recommends repeal.

20.238 Inclusionary Housing

The inclusionary housing ordinance is intended to increase the amount of affordable housing supply in the County. This ordinance applies to any residential development applied at subdivision or two or more units, with exceptions such as efficiency units of 650 square feet or less. Developers can comply with the ordinance by reserving a certain percentage of their housing units for affordable housing or by paying in-lieu fees. Chapter 20.238 describes the different percentages of affordable housing or fee amounts based on the amount of housing developed.

This Chapter in its current form is proposed to be repealed and a separate Chapter 20.234 is proposed for adoption. The proposed Chapter 20.234 will move the County to a voluntary program where the County will encourage developers to utilize State Density Bonus Law (Government Code Section 65915 *et seq.*) should they wish to receive concessions and/or incentives for a project. Replacement Chapter 20.234 retains a section regarding the Affordable Housing Trust Fund to ensure that monies received under that fund are utilized for their intended purpose and can also serve as a fund for any equity share funds received pursuant to the density bonus provisions.

Chapter 20.238 Inclusionary Housing was identified as an impediment to housing production in the County's most recent Housing Element. As noted in the Housing Element, local housing developers have expressed concern, including at Board of Supervisors meetings, that the Chapter makes new development unprofitable to complete and is one of the factors that deters developers from bringing any large-scale housing projects to the County. Housing Element Action Item 3.5a(7) states that the County will amend the Inclusionary Housing requirements to allow more flexibility, encouraging greater use of the program. In reviewing the effectiveness of the existing Chapter, staff believes it is harming overall housing production more than it is providing any assistance to affordable housing production, and recommends repeal instead of amendment.

The only major subdivisions processed in the last fifteen years were actually a subdivision and resubdivision of the same property, both of which utilized the exemption of Section 20.238.010 that provides that projects utilizing State Density Bonus Law (Government Code Section 65915 *et seq.*) are exempt from the Chapter.

As currently adopted, the inclusionary housing requirements of Section 20.238.015 are higher than most neighboring jurisdictions. Neighboring jurisdictions, such as the City of Fort Bragg, have

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inclusionary housing requirements at 15%. City of Ukiah does not have any locally adopted inclusionary housing ordinance but has other housing programs. The City of Ukiah noted in their 2019-2027 Housing Element as it related to review of their 2014-2019 Housing Element Programs that “studies have shown that when a lack of developer demand exists for housing development, adopting ordinances such as an inclusionary housing ordinance can have the unintended consequence of further restricting housing development.” The City ultimately concluded that they had sufficient other incentive-based programs that it was not warranted to adopt an inclusionary housing ordinance.

Chapter 20.238 has an inclusionary requirement that increases as the size of the subdivision increases. For projects of 2-4 units, there is no inclusionary housing unit requirement, but an in-lieu fee is required to be paid. For projects of 5 to 25 units, the inclusionary unit requirement is that 10% of the units must be affordable. For projects of 26 to 50 units, 15% would need to be affordable. For projects of 51-75 units, 20% would have to be affordable. Lastly, any project of 76 or more units is required to make 25% of the units affordable. This is a 66% increase over neighboring jurisdictions. Note that a developer could simply comply with State Density Bonus Law to avoid these requirements, even if the developer elects to make only 10% of the units affordable.

Some of the benefits that one would expect to see from an Inclusionary Housing Ordinance have not been realized in the nearly 15 years since the ordinance was adopted. Most of our compliance with low- and very low-income housing numbers has been the result of specific targeted multi-family projects such as those built by Rural Communities Housing Development Corporation (RCHDC) in recent years in the Ukiah Valley. In addition, in-lieu fees for minor subdivisions collected over the last 15 years have resulted in approximately \$150,000 in the Affordable Housing Trust Fund. This amount would provide minimal assistance to any affordable housing project. Even if the funds were used for a first-time homebuyer program, this amount would fund no more than three secondary loans, assuming that \$50,000 would actually be sufficient to lower the price of a home on the open market to an affordable housing cost. As a result of these factors, the County has identified the Inclusionary Housing Ordinance as an impediment to development of housing within the County.

NEW CHAPTERS:

Proposed amendments include the addition of several new Chapters, as follows: 20.086 “MUNS” Mixed Use North State 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.

CHAPTER 20.086 “MUNS” Mixed Use North State District and CHAPTER 20.087 “MUBST” Mixed Use Brush Street Triangle District

These Chapters are proposed to be added to implement the UVAP. When the UVAP was adopted three new land use designations were created but implementing zoning districts were not established. Land use designations added as part of the UVAP were the Mixed Use General, Mixed Use North State and Mixed Use Brush Street Triangle. In 2014, the County adopted Ordinance No. 4329 adding the Mixed Use General “MU-2” zoning district, which implemented the Mixed Use General land use designation. The Department now proposes to add the two remaining zoning districts to implement the UVAP consisting of the MUNS and MUBST districts. The two new zoning districts are structured like all other zoning districts with permitted uses, density standards, and floor area ratio based upon the UVAP land use designation. Additionally, it should be noted that once the zoning districts are established, future development will be evaluated on a project basis for consistency with the zoning regulations and if necessary environmental review will be conducted at the time of project implementation.

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CHAPTER 20.166 Accessory Dwelling Units and Junior Accessory Dwelling Units

This Chapter is added to move the standards for Accessory Dwelling Units and Junior Accessory Dwelling Units out of Chapter 20.164 Accessory Uses and into a separate Chapter. Accessory Dwelling Units and Junior Accessory Dwelling Units are still listed as allowable accessory uses in Chapter 20.164, only the standards have been relocated to the new Chapter 20.166. Several updates were made to the standards that previously existing in Chapter 20.164 including several updates that have occurred to State Law such as reduced setbacks, parking standards, and conversion of existing accessory structures to accessory dwelling units.

CHAPTER 20.170 Moveable Tiny Homes

In recent years, the use of “Tiny Homes” has been an alternative to creating affordable housing in California, with many jurisdictions now utilizing this as one of the tools for affordable housing in their communities. Conventional construction tiny homes are already permissible within Mendocino County and the County adopted Appendix AQ to the 2022 California Building Code to provide for relaxed standards for tiny homes under 400 square feet in size. The proposed adoption of regulations for moveable tiny homes will further affordable housing within the County, consistent with goals in the County’s Housing Element regarding diversity in housing options for varying income levels. This Chapter is proposed to be added based upon Board of Supervisors direction and includes standards for Moveable Tiny Homes. Moveable Tiny Homes are structures that are regulated by the California Department of Motor Vehicles that have an appearance of a stick-built residential structure. A Moveable Tiny Home does not include recreational vehicles or travel trailers. The Board of Supervisors directed to allow Moveable Tiny Homes as either the primary residence on a property or as an Accessory Dwelling Unit subject to the standards recommended in proposed Chapter 20.170. This is not a new use type as a Moveable Tiny Home would be classified as either Family-Residential: Single-family or as an Accessory Dwelling Unit and be subject to the zoning district standards for the district it is located within.

CHAPTER 20.190 Administration

This proposed Chapter lays out the basic roles, responsibilities and functions of all planning authorities, including the Board of Supervisors, Planning Commission, Zoning Administrator and Planning and Building Services Director. The Chapter also provides a single location for public hearing procedures and noticing, procedures for modification or revocation of approved permits or approvals, administrative withdrawal of abandoned applications, application forms and fees, and the review of applications.

CHAPTER 20.234 Affordable Housing and Density Bonuses

The proposed Chapter includes a density bonus and incentive program consistent with Government Code sections 65915-65918 and procedures associated with such applications. The proposed Chapter also includes a bridge for the Affordable Housing Trust Fund such that the funds previously collected under Chapter 20.238 (Inclusionary Housing) can still be utilized for furthering affordable housing within the County, and also serve as the depository for any equity share funds realized from density bonus projects.

AMENDMENTS:

Proposed amendments include clean ups to numerous Chapters within Division I to (1) implement the changes noted in this memorandum; (2) reorganize portions to make the code more user friendly; and (3) to remove unnecessary or redundant sections. Several new chapters and sections are proposed including two new zoning districts to implement the Ukiah Valley Area Plan (UVAP), a new affordable housing and density bonus chapter, regulations for moveable tiny homes, low-intensity camping, and an administration chapter. Each of the new chapters are discussed individually in this memorandum.

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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; 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.

Minor amendments are made to Chapter 20.004 General Provisions for consistency purposes. Staff has also corrected what appears to be a minor oversight regarding Animal Raising-Personal in the Agricultural (AG), Rangeland (R-L), Forestland (F-L), and Timber Production Zone (TPZ) zoning districts where the higher intensity use of Animal Raising is permissible but not the lower intensity use of personal. In addition, Animal Raising-Personal has been added as a permissible use type to the Limited Commercial (C-1) and General Commercial (C-2) as agricultural uses of similar or greater intensity are already allowed within these districts and this would allow for any residential uses within the district to have similar allowable uses to other residentially developed parcels.

CHAPTER 20.008 Definitions

This Chapter has been amended to reflect the changes made throughout the code and remove erroneous or duplicative definitions.

CHAPTER 20.016 Residential Use Types

Section 20.016.010 Assisted Living Residential Care Facility:

This proposed section appears like a new use type within Chapter 20.016; however, this use was previously listed as an allowable accessory use in Section 20.164.015(T) and was termed as "Family Care Home". This shift from accessory use to a listed use type has no impact on the overall allowance for these types of facilities and clarifies that this use can be a standalone use on a property. As an accessory use this use was allowed as accessory to all residential and agricultural use types and could be developed prior to a primary use being established on the property and therefore the transition to a principally permitted use in all districts that allow residential and agricultural use types will have no change to potential impacts as accessory uses are principally permitted already in all zoning districts. Assisted Living Residential Care Facilities are not permitted within the Industrial zoning districts of Limited Industrial and General industrial as Health and Safety Code is specific to not requiring a conditional use permit, zoning variance, or other zoning clearance for these types of facilities that is not required of a family dwelling of the same type in the same zone. Since no Family Residential use types are permitted within the Limited Industrial or General Industrial zoning districts it is appropriate to not allow for Assisted Living Residential Care Facilities in these districts.

Section 20.016.020 Day Care Facility:

This proposed section appears like a new use type within Chapter 20.016; however, this use was previously listed as an allowable accessory use in Sections 20.164.015(V) and (W) were termed as "Day Care Home-Small Family" and "Day Care Home-Large Family". Pursuant to California Health and Safety Code section 1597.45 Day Care Facilities are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. California Health and Safety Code section 1597.40 provides that the applicable state law provisions shall preempt local laws. As such, this use was relocated to the Residential Use Types and is subject to the same standards as only residential use types in all zoning districts. As an accessory use this use was allowed as accessory to all residential and agricultural use types and therefore it is considered principally permitted in all districts that allow residential and agricultural use types. In the Industrial zoning districts, Day Care Facility includes a parenthetical that the use type is only allowed in conjunction with Employee Housing and not as a stand-alone use type.

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Section 20.016.025 Employee Housing:

This proposed use type replaces the previous use types of Farm Employee Housing, Farm Labor Housing, Industrial Caretaker Housing, and Industrial Employee Housing. The Employee Housing Act provides for housing for a variety of employee types including agricultural employees and non-agricultural employees. As proposed, this use type references directly to the Employee Housing Act as specified in California Health and Safety Code sections 17000 through 17062.5. Sections 17021.5 and 17021.6 of the Employee Housing Act requires that qualifying employee housing be treated the same as residential and agricultural use types in the zoning district, as applicable. Nearly all zoning classifications within the County allow both residential and agricultural use types by right and therefore Employee Housing is principally permitted in all zoning districts.

Section 20.016.030 Low Barrier Navigation Center:

Low Barrier Navigation Center in Government Code sections 65660-65668 was added in 2019 by AB 101. Low Barrier Navigation Center means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Pursuant to Government Code section 65662 a Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. Low Barrier Navigation Centers are listed as principally permitted in all zoning districts that allow multifamily uses or mixed use zones and listed as a use subject to an administrative permit in all other zoning districts. As currently written, the provisions of Government Code sections 65660-65668 are repealed as of January 1, 2027, unless extended

Section 20.016.040 Supportive Housing and 20.016.045 Transitional Housing:

These use types were previously listed in Section 20.152.040. Pursuant to Government Code sections 65650-65656, supporting housing is a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Supportive and Transitional housing units are listed as principally permitted in all zoning districts that allow multifamily uses and listed as uses subject to an administrative permit in all other zoning districts.

CHAPTER 20.020 Civic Use Types

Section 20.020.023 Child Day Care Facility.

This use type is proposed to be deleted as it does not appear as a permitted use type in any zoning district. The new residential use type of Day Care Facility addresses all necessary Child Day Care Facility uses.

CHAPTER 20.024 Commercial Use Types

Section 20.024.065 Eating and Drinking Establishments:

Language is proposed to be added at the end of the existing use type to reflect that tasting rooms are classified within this use type if they are not associated with a Packaging and Processing—winery use type.

Section 20.024.140(C) Wholesaling, Storage and Distribution—Heavy:

This use type is amended to clarify that propane providers are included as part of this use type. Propane providers have been classified as being under this use type in the past by a Directors use classification pursuant to Chapter 20.012 of County Code, so there is no change, solely codifying the past determination. The existing use type covers open-air storage, distribution and handling of

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materials and equipment. Since the storage of propane and associated tanks as well as the distribution to customers fit closely with this existing use type it is now listed as a “typical use” in this section.

CHAPTER 20.036 Extractive Use Types

The Extractive Use Type of Mining and Processing, found in Section 20.036.010, is proposed to be amended to remove reference to a major use permit and instead only reference a use permit and additionally to clarify that water extraction for bulk sale from either a well, spring, watercourse or any other source that is not a water district is included in this use. The Director of Planning and Building Services has previously classified water extraction within this use type, so this change is codifying that previous determination. The Director Planning and Building Services has the authority to classify common uses pursuant to Chapter 20.012 considering “common functional, product, or compatibility characteristics with other uses already classified within the use type”. Since as early as 1985, the Department has considered water extraction to be an extractive use type, “Mining and Processing”. This interpretation was affirmed by the Planning Commission and ultimately the Board of Supervisors in 2001 via Administrative Appeal #AA 1-2001, which related to the extraction of water from a private well for bulk sale. The extraction of water for bulk sale is most similar to extractive uses such as soil, rock, mineral or geothermal extraction and sale. This is due to the fact that it essentially involves the extraction of a natural resource from the property and selling it for off-site use, similar to mineral extraction and sale.

CHAPTER 20.152 General Provisions and Exceptions to Districts

Amendments to this Chapter include the addition of guidance and graphics to ease the measurement of height, setbacks, etc. for both the public and staff. Yard and Setback Exceptions previously contained in separate chapters have been consolidated into the single Section 20.152.015. This includes the relocation of setback exceptions that were listed in Chapter 20.164 Accessory Use Regulations and Chapter 20.148 Supplemental Limitations on Uses. This Chapter also includes clearer guidance on Fences, Walls and Screening including tables and graphics. Section 20.152.015 was amended to establish consistent four (4) foot setbacks for minor accessory improvements consistent with setback standards for Accessory Dwelling Units. The Height Exceptions in section 20.152.025 were amended to clarify that wind generators includes windmills associated with agricultural uses. In addition, staff removed reference to allowances for additional heights for public utility structures. Variances are defined by Government Code section 65906 and staff recommends removal of the unspecified height increases for public utility structures without the processing of a variance. A variance is the most appropriate process to address unspecified deviations from zoning code standards.

The Corridor Preservation Setback is recommended to be removed and development would solely be subject to yard setbacks and outside of any road right-of-way. This change has been supported by the Board of Supervisors and is consistent with how both the California Department of Transportation and the County Department of Transportation protect the right-of-way. This issue comes up most commonly when it relates to fence construction. Often applicants will be upset as they have contacted the applicable transportation department and are told to stay only a few feet off of the right-of-way and when they contact Planning and Building Services are told a much more significant setback distance. These entities have purview over and processes regarding how any roadway expansion would be handled in the future, including acquisition and removal of any structures within expansion areas. Density Bonus provisions have been relocated to proposed Chapter 20.234. Density Transfer language is proposed for deletion as it has never been utilized and it is unclear as to its applicability. Supportive and Transitional Housing have become Residential Use Types and were discussed earlier in this memorandum, and are being deleted from this Chapter.

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CHAPTER 20.164 Accessory Use Regulations

Amendments to this Chapter include clean-ups for items previously discussed in this memorandum. The largest change to this Chapter is the addition of Second Residential Units. Prior to adoption of the current Accessory Dwelling Unit regulations, the County allowed Second Residential Units. When the Accessory Dwelling Unit regulations were adopted there were many complaints from the public about the square-footage limitation. As a result, Staff recommends creating allowance for a Second Residential Unit in lieu of an Accessory Dwelling Unit. This would allow for individuals who desire to have the benefits of reduced setbacks or parking exceptions to be able to construct an Accessory Dwelling Unit while also allowing for individuals who desire a larger Second Residential Unit to be able to permit a Second Residential Unit in lieu of the Accessory Dwelling Unit. This will further the implementation of the County's Housing Element by providing more choices of affordable housing within the unincorporated area of the County. Such units are considered approved ministerially without discretionary review, but would be subject to the development standards contained within the Zoning Ordinance.

CHAPTER 20.168 Temporary Use Regulations

Amendments are proposed to the Temporary Use Regulations Chapter to include regulations for Food Trucks and clarify permitting requirements for temporary events and temporary camping. Food trucks have been operated in Mendocino County for decades informally, with previous interpretations made citing that food trucks were to be operated only in commercial zoning districts. The proposed regulations will now define food trucks as a temporary use subject to an Administrative Permit. Food Trucks will still require the appropriate permits through the Division of Environmental Health, with no changes to the required permitting.

CHAPTER 20.172 Mobile Homes and Mobile Home Parks

Amendments are proposed to this Chapter to remove what appears to be an erroneous reference to exceptions for mobile home parks who have spaces that exceed 6,000 square feet. In addition, the Development standards have been revised to reflect current Department practices as it relates to application filings. In addition, the Development Standards for individual mobile homes in Section 20.172.015(A)(5) regarding minimum square footage has been struck. This limitation is in conflict with state law provisions which provide that mobile homes can not be subjected to different standards than a conventional single-family residence.

CHAPTER 20.176 Recreational Vehicle Parks and Campgrounds

Minor administrative amendments are made to 20.176.015 to remove the requirement for pre-submittal of development plans to the Director before submitting a formal application for a recreational vehicle park or campground.

CHAPTER 20.180 Off-street Parking

Amendments are proposed to this Chapter to reorganize portions of the regulations to improve user-friendliness. Amendments are proposed to section 20.180.010 to comply with California Government Code section 65863.2(a) which states that *"a public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit."* Amendments are proposed to section 20.180.020 to address the surfacing of parking areas with a minimum fifty percent of permeable materials and that lighting be downcast and shielded. In addition, staff amended subpart (F) as it relates to electric vehicle charging stations to comply with General Plan Policy DE-275 and California Government Code section 65858.71(d). General Plan Policy DE-275 required that the County revise parking standards to allow one electric vehicle charging station parking space to count as two standard parking spaces. California Government Code section 65858.71(d) requires that if an electric vehicle charging station and associated equipment interfere with, reduce, or eliminate or in any way impact the required parking spaces for existing uses that

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the local government must reduce the number of required spaces by the amount necessary to accommodate the charging station and associated equipment.

In addition, staff has added provisions for shared parking facilities, which will reduce potential impacts from development where shared parking can be accommodated by reducing overall lot coverage. Additional standards have also been added for drive-through facilities to ensure pedestrian safety and adequate circulation. Graphics are included to provide guidance to both staff and the public on parking requirements. Additionally, the proposed standards will further aid in the implementation of the UVAP Policies, including:

UVAP Policy CD.1d: Parking Requirements, which states *“Include parking standards in the land development code to guide commercial and industrial parking quantity and design. Requirements shall focus on minimizing the number of stalls required and improving site aesthetics, providing shade, reducing solar heat gain, and clean drainage.”*

Implementation of the parking standards will be consistent with the adopted General Plan and UVAP.

CHAPTER 20.184 Sign Regulations

Amendments are proposed to this Chapter to improve the user experience and provide graphics for additional guidance on calculating standards such as sign area and measuring sign height. There are no exemptions for signs that would result in unregulated signage that would conflict with the previously adopted EIR for the General Plan.

CHAPTER 20.192 Administrative Permits

Amendments have been made to this Chapter to align the application process to be consistent with other chapters in the code for processing of Use Permits and Variances. In addition, Findings are now included that are required to be made for Administrative Permits. The largest change is that all Administrative Permits will be subject to a public hearing with the Zoning Administrator. The proposed amendments will also allow the Zoning Administrator to elevate an Administrative Permit to the jurisdiction of the Planning Commission in the case where the public interest warrants.

CHAPTER 20.196 Use Permits

Amendments have been made to this Chapter to align the application process to be consistent with other chapters in the code for processing of Administrative Permits and Variances. Amendments also reflect the proposed addition of the Administration Chapter in proposed Chapter 20.190 where all public noticing requirements and modification procedures are now located.

CHAPTER 20.200 Variances

Amendments have been made to this Chapter to align the application process to be consistent with other chapters in the code for processing of Administrative Permits and Use Permits. Amendments also reflect the proposed addition of the Administration Chapter in proposed Chapter 20.190 where all public noticing requirements and modification procedures are now located. The most significant change in this Chapter is that Variances are proposed to be handled by the Planning Commission as opposed to the Zoning Administrator. Staff recommends that deviation from zone standards should be handled by a higher planning body than the Zoning Administrator. Given the limited number of variances received in any given year, staff does not anticipate that this will be a significant workload increase for the Planning Commission.

CHAPTER 20.204 Nonconforming Uses and Structures

Amendments are proposed to this Chapter to provide greater clarity in the regulations and also to align the Chapter with language contained in other Divisions of Title 20. As an example, the Coastal

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Zoning Code allows for reconstruction of non-conforming structures provided reconstruction is started within 1 year and previously the Inland Zoning Code did not have such an allowance. Amendments were made to section 20.204.015 as it relates to restoration of damaged structures to reflect the reasonable timelines for the restoration of such uses. Modification of the timelines for restoration remains consistent with General Plan Policy DE-32 which speaks to, in part, the re-establishment of discontinued or destroyed legal nonconforming uses and structures provided they are reestablished within a reasonable time, as established in the zoning code.

In addition, expansion of nonconforming uses and structures now require obtainment of a use permit as opposed to an administrative permit. This change solely modifies the hearing body where a permit for this activity would be heard.

CHAPTER 20.208 Appeals

Minor amendments are proposed to this Chapter to provide clarity in the regulations and clarify that notice of certain appeals is to be provided.

CHAPTER 20.212 Amendments, Alterations, and Changes in Districts

Minor amendments are proposed to this Chapter to provide clarity in the regulations and procedures surrounding applications for general plan amendments and rezonings, specific plans, zoning code provisions, and zoning map. The Chapter is also proposed to be renamed to Amendments to General Plan, Specific Plan, Zoning Code, and Zoning Map.

CHAPTER 20.216 Enforcement

Minor amendments are proposed to this Chapter to align the Chapter with enforcement procedures contained in other titles of County Code.

CHAPTER 20.236 Towers and Antennas

Minor amendments to references to Federal regulations have been updated within this Chapter.

CHAPTER 20.242 Cannabis Cultivation

Proposed amendments include elimination of Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit. With public hearings and individual environmental review being required for all Administrative Permits and the hearing body remaining the Zoning Administrator with option to elevate permits to the Planning Commission there is no potential impact to the environment or the ability for the public to participate in decisions on such permits. No required findings for discretionary permits for cultivation are changed as a result of these amendments.

CHAPTER 20.243 Cannabis Facilities

Proposed amendments include elimination of Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit. With public hearings and individual environmental review being required for all Administrative Permits and the hearing body remaining the Zoning Administrator with option to elevate permits to the Planning Commission there is no potential impact to the environment or the ability for the public to participate in decisions on such permits. No required findings for discretionary permits for cannabis facilities are changed as a result of these amendments.

1.5 APPROACH TO CEQA ANALYSIS

In the case of an application requiring discretionary approval on a project for which an EIR has been certified, the California Environmental Quality Act (CEQA) requires the lead agency to determine whether

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a supplemental or subsequent EIR is required. The requirement is codified in Public Resources Code section 21166 and CEQA Guidelines Section 15162. Section 15162 provides guidance in this process by requiring an examination of whether, since the certification of the EIR and approval of the project, changes in the project or conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, the County would be required to prepare a subsequent EIR or supplement to the EIR.

The following review examines the proposed amendments to Title 20, Division I in accordance with Section 15162. The evaluation concludes that the conditions set forth in Section 15162 are not present, and that an Addendum to the EIR is the appropriate CEQA document pursuant to CEQA Guidelines Section 15164.

Each of the following standards, as set forth in Section 15162(a), are addressed in this Addendum.

- 1) Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?
- 2) Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?
- 3) Is there new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, that shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR (or negative declaration);
 - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA, this Addendum evaluates the proposed amendments to Title 20, Division I to determine whether circumstances are present that could require a supplemental environmental document. Based on the Addendum, County staff recommends that: (a) the impacts of the proposed amendments to Title 20, Division I are within the scope of those analyzed in the General Plan EIR and UVAP EIR that was reviewed and certified by the County; (b) no changes are required to either the General Plan EIR or the UVAP EIR, and (c) the General Plan EIR and UVAP EIR provides a sufficient and adequate analysis of the environmental impacts of the proposed amendments to Title 20, Division I.

2. CEQA Analysis for General Plan EIR

2. CEQA Analysis for General Plan EIR

2.1 “SUBSTANTIAL CHANGES IN THE PROJECT” STANDARD

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this section presents a discussion of whether substantial changes are proposed which will require major revisions of the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The General Plan contains policies related to development, resource management, housing, the community, and coastal resources. The General Plan is primarily designed to be self-mitigating by incorporating policies and implementation measures that address and mitigate related environmental impacts, such as zoning codes and design standards.

The proposed project would update the existing Zoning Ordinance (Title 20, Division I) to ensure compliance with the adopted Housing Element, General Plan, and the Ukiah Valley Area Plan (UVAP). The proposed project does not alter the requirements or policies analyzed in the General Plan EIR. The proposed project consists of updated text, inclusion of graphics, language clarifications, the addition of tables and improved format and the inclusion of different housing types to implement the adopted Housing Element, and the creation of two new Zoning Districts as called for in the UVAP. The clarifications made to the proposed updated Zoning Ordinance consisting of graphic additions, language clarifications, cross references and updates to procedures and permitting processes have no potential for impacts on the environment as they are solely providing greater guidance on existing code requirements that were considered at the time the 1987 code was adopted as well as when the 2009 General Plan EIR was certified and are administrative in nature. The term “project” as defined in CEQA Guidelines Section 15378 specifically excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.”

Proposed amendments include amendments to allowable uses in all zoning districts and Chapters 20.242 (Cannabis Cultivation) and 20.243 (Cannabis Facilities) to eliminate Minor Use Permits by making all uses previously subject to a Minor Use Permit instead subject to an Administrative Permit. Public hearings and individual environmental review is required for all Administrative Permits, the hearing body remaining the Zoning Administrator with option to elevate permits to the Planning Commission. In addition there are no changes to required findings for such permits. As such, there is no potential impact to the environment or the ability for the public to participate in decisions on such permits.

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 Rancher; 20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area; and 20.238 Inclusionary Housing.

The repeal of Chapter 20.112 “A-H” Airport Height Combining Districts and Chapter 20.128 “AV” Airport Districts will have no impact on the environment. These districts were applied to properties prior to the adoption of the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) in 1993. Since the adoption of the ACLUP, all development in an airport influence area is regulated under the ACLUP

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regardless of a combining district being applied to the parcel. Development within the airport influence area of Ukiah Airport is subject to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) adopted in 2021 which replaced the Ukiah Airport provisions of the 1993 ACLUP. The A-H combining district and the AV district are proposed to be repealed and instead the single “AZ” Airport Zone combining district would be applied over all properties within an airport influence area, which requires compliance with the applicable standards of either the ACLUP or the UKIALUCP including height restrictions and airport property use restrictions. Currently no properties in the county are zoned “AV” Airport Districts.

The repeal of Chapter 20.140 “SH” Special Hazards Combining District will have no impact on the environment as no parcels are currently zoned with this combining district, as a result there is no change to allowances on any property within the County.

The repeal of Chapter 20.148 Supplemental Limitations on Uses will have no impact on the environment. The limitations listed in this Chapter were intended to be designated with a number on the applicable use types in the preceding sections; however, it does not appear that they were applied to those use types when the code was adopted in 1987. As a result these limitations were never actually made applicable to use types within the Code. All limitations included under this Chapter have been merged into either use type descriptions or deleted due to being either inconsistent with State Law or having never been applied previously. Given the lack of applicability of this section and that any relevant limitations have now been moved so that they can be applicable to use types as appropriate, there is no impact on the environment from the repeal of this chapter. Further, the relocation of these limitations does not in itself cause an impact upon the environment as they were considered under the 2009 General Plan EIR since they have existed since 1987.

The repeal of Chapters 20.206 Extension of Time for Qualifying Clean Slate/BLUR II Applicants, 20.224 Interim Urgency Ordinance Prohibiting New or Expanded Industrial Uses on Pinoleville Rancheria, and 20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area is a clean up task as each Chapter is either no longer effective or states that it will be repealed as of a particular date which has since passed. There is no potential for impact on the environment as these Chapters are no longer effective.

The repeal of Chapter 20.220 General Plan—Zoning Ordinance Compatibility will have no impact on the environment as this chapter primarily included a comparison table to indicate what zoning districts were compatible with various General Plan classifications. The language contained in this Chapter and the associated comparison table has been relocated to Chapter 20.040 Establishment of Zoning Districts. As a result, there is no impact on the environment and the compatibility table mirrors that which was adopted within the 2009 General Plan.

The repeal of Chapter 20.238 Inclusionary Housing will have no impact on the environment within the meaning of CEQA. This Chapter required the incorporation of affordable housing into major subdivisions and/or payment of an in-lieu fee to support the further development of affordable housing within the County. The repeal of the Chapter does not change allowable uses or density of use of property. The County proposes to adopt a new Chapter, Chapter 20.234, that will provide for density bonus opportunities consistent with State Density Bonus Law and retains a section regarding the Affordable Housing Trust Fund. There will be no impact to the environment within the meaning of CEQA as a result of repeal of this Chapter.

Amendments are proposed to every zoning district (Chapters 20.044 through 20.108) to 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 do not create any additional impacts on the environment. Corresponding use types were also added to Chapter 20.016 (Residential Use Types). Regarding Day Care Facilities, California Health and Safety Code section 1597.40 provides that the applicable state law provisions shall preempt local laws. As such, this use was relocated to the Residential Use Types and is subject to the same standards as only residential use types

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in all zoning districts. As an accessory use this use was allowed as accessory to all residential and agricultural use types and therefore it is considered principally permitted in all districts that allow residential and agricultural use types. Sections 17021.5 and 17021.6 of the Employee Housing Act require that qualifying employee housing be treated the same as residential and agricultural use types in the zoning district, as applicable. Nearly all zoning classifications within the County allow both residential and agricultural use types by right and therefore Employee Housing is principally permitted in all zoning districts. Pursuant to Government Code section 65662 a Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses Low Barrier Navigation Centers are listed as principally permitted in all zoning districts that allow multifamily uses or mixed use zones and listed as a use subject to an administrative permit in all other zoning districts. Supportive and Transitional housing units are listed as principally permitted in all zoning districts that allow multifamily uses and listed as uses subject to an administrative permit in all other zoning districts. All zoning districts within the County allow either residential or agricultural uses by right or multifamily and/or mixed use and as a result the use types of Day Care Facilities, Assisted Living Residential Care Facilities, Employee Housing, Low Barrier Navigation Centers, Supportive and Transitional Housing contained in proposed Chapter 20.016 have the same level of intensity and potential impact as existing uses in each zoning district, as applicable to the use type, that were analyzed under the 2009 General Plan EIR. As a result, there is no potential for impact upon the environment as the analogous uses were previously analyzed. Further the proposed amendments implement state law requirements.

The required permit level was modified in Chapters 20.088 and 20.092 for the Commercial zoning districts to require that the Automotive and Equipment – gasoline sales use type requires a use permit instead of an administrative permit. This change solely modifies the hearing body where a permit for this use type would be heard. At the direction of the Planning Commission, Staff added the allowance for Animal Raising—personal to both of the Commercial zoning districts as agricultural uses of similar or greater intensity are already allowed within these districts and this would allow for any residential uses within the district to have similar allowable uses to other residentially developed parcels.

The Height Exceptions in section 20.152.025 were amended to clarify that wind generators includes windmills associated with agricultural uses. In addition, staff removed reference to allowances for additional heights for public utility structures. Variances are defined by Government Code section 65906 and staff recommends removal of the unspecified height increases for public utility structures without the processing of a variance. A variance is the most appropriate process to address unspecified deviations from zoning code standards. There is no potential for impact on the environment from these changes as they are clarifications and also moving approval for unspecified height increases for public utility structures to a discretionary permit process with individualized review under CEQA.

Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations have been moved to a standalone Chapter but the use types are still listed within Chapter 20.164 Accessory Use Regulations. Several updates were made to the standards that previously existing in Chapter 20.164 including several updates that have occurred to State Law. Related to this, amendments to Chapter 20.164 Accessory Use Regulations include the addition of Second Residential Units. Prior to adoption of the current Accessory Dwelling Unit regulations in 2018, the County allowed Second Residential Units. When the Accessory Dwelling Unit regulations were adopted there were many complaints from the public about the square-footage limitation. As a result, Staff recommends creating allowance for a Second Residential Unit in lieu of an Accessory Dwelling Unit. This would allow for individuals who desire to have the benefits of reduced setbacks or parking exceptions to be able to construct an Accessory Dwelling Unit while also allowing for individuals who desire a larger Second Residential Unit to be able to permit a Second Residential Unit in lieu of the Accessory Dwelling Unit. Second Residential Units did not have any square footage limitation associated with them as written in the code prior to the 2018 amendments to replace them with Accessory Dwelling Units. In addition, there is no change in density as the regulations allow for either an Accessory Dwelling Unit or a Second Residential Unit, but not both. As a result, the environmental effects of both allowance for

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Second Residential Units was analyzed under the 2009 General Plan EIR as the regulations for Second Residential Units have existed since 1987. This increase in allowable square footage will have no impact on the environment as the development is still subject to all standards previously required to ensure adequate protection of the environment, including demonstration of adequate water and septic infrastructure.

New regulations are proposed for Moveable Tiny Homes, which are structures that are regulated by the California Department of Motor Vehicles that have an appearance of a stick-built residential structure. A Moveable Tiny Home does not include recreational vehicles or travel trailers. The Board of Supervisors directed to allow Moveable Tiny Homes as either the primary residence on a property or as an Accessory Dwelling Unit subject to the standards recommended in proposed Chapter 20.170. This is not a new use type as a Moveable Tiny Home would be classified as either Family-Residential: Single-family or as an Accessory Dwelling Unit and be subject to the zoning district standards for the district it is located within. Given that these new regulations are tied to analogous existing uses of both single family homes and/or accessory dwelling units/second residential units these use types were analyzed under the potential impacts considered as a result of residential land uses in the 2009 General Plan EIR. Standards have been added to ensure that moveable tiny homes have the appearance of conventional construction residences, no impact will result.

Amendments are proposed to the Temporary Use Regulations in Chapter 20.168 to include regulations for Food Trucks and clarify permitting requirements for temporary events and temporary camping. Food trucks have been operated in Mendocino County for decades informally, with previous interpretations made citing that food trucks were to be operated only in commercial zoning districts. The proposed regulations will now define food trucks as a temporary use subject to an Administrative Permit if operated in a single location for more than four (4) hours. The requirement for an Administrative Permit will allow for site specific CEQA review for any new food truck operations. Food Trucks will still require the appropriate permits through the Division of Environmental Health. The addition of Food Trucks as a temporary use implements General Plan policies supporting economic development.

Amendments are proposed to Chapter 20.204 Nonconforming Uses and Structures clarify in the regulations and also to align the Chapter with language contained in other Divisions of Title 20. Amendments were made to section 20.204.015 as it relates to restoration of damaged structures to reflect the reasonable timelines for the restoration of such uses. Modification of the timelines for restoration remains consistent with General Plan Policy DE-32 which speaks to, in part, the re-establishment of discontinued or destroyed legal nonconforming uses and structures provided they are reestablished within a reasonable time, as established in the zoning code. There is no potential for environmental impacts as a result of this amended language as it pertains to the replacement of structures that already exist in the same footprint or with minimal expansion (if destroyed by involuntary means).

The elimination of Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit or Use Permit is considered an administrative change as both are discretionary permits subject to the same hearing body. There is no potential for impact on the environment from these changes as they are administrative and both permit types would require individualized review under CEQA.

Amendments made to remaining Chapters are reorganizations, clarifications, or graphics and do not change overall allowable uses and therefore can be seen to have no impact on the environment. Chapter 20.190 is added to Division I to provide for Administration guidance and is considered the addition of only administrative provisions. Other amendments that are administrative in nature include amendments to Chapter 20.008 Definitions, Chapter 20.020 Civic Use Types, 20.040 Establishment of Districts, Chapter 20.136 Planned Development Combining District, Chapter 20.164 Accessory Use Regulations, Chapters 20.180 Off Street Parking, Chapters 20.184 Sign Regulations, 20.192 Administrative Permits, 20.196 Use Permits, 20.200 Variances, 20.208 Appeals, 20.212 Amendments Alterations, and Changes in Districts (to

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be renamed), 20.216 Enforcement, 20.236 Towers and Antennas, 20.242 Cannabis Cultivation and 20.243 Cannabis Facilities.

The California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and its implementing Guidelines (14 Cal. Code Regs. 15000 et seq.; "CEQA Guidelines") apply to a project. The term "project" is defined in CEQA Guidelines Section 15378, and specifically excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

Because the proposed 2024 updated Zoning Ordinance would not result in a physical impact, the proposed project's impacts would be no more substantial than analyzed in the General Plan EIR.

2.2 "SUBSTANTIAL CHANGES IN THE CIRCUMSTANCES" STANDARD

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this section presents a discussion of whether changes to the project site or the vicinity have occurred subsequent to the certification of the General Plan EIR that would result in new significant impacts or a substantial increase in the severity of a previously identified significant impact.

No substantial changes have occurred within the County since the certification of the 2009 General Plan EIR. Development in the region has occurred at a slower pace than anticipated in the General Plan EIR. Based on the environmental baseline identified in the General Plan EIR, the physical changes in the county that have occurred are consistent with the analysis of the General Plan EIR and the cumulative projects considered in the General Plan EIR. There have been no substantial changes in the circumstances of the county as considered in the General Plan EIR.

2.3 "NEW INFORMATION OF SUBSTANTIAL IMPORTANCE" STANDARD

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this section includes a discussion of whether the Modified Project would result in new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. New information of substantial importance includes: (1) one or more significant effects not discussed in the previous EIR; (2) significant effects previously examined that are substantially more severe than shown in the previous EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR and that would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No new information of substantial importance has been identified that was not known or could have been known at the time of certification of the previous EIR that shows the zoning code update will have one or more significant effects not discussed in the previous EIR. As discussed in the subsequent section, no significant effects previously examined are substantially more severe than shown in the previous EIR. The Mendocino County Board of Supervisors determined all mitigation measures in the 2009 General Plan EIR to be feasible and as a result all were adopted as goals, policies, or action items in connection with the 2009 General Plan Update. No new mitigation measures are recommended.

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2.4 ENVIRONMENTAL REVIEW

The Mitigation Monitoring and Report Program adopted for the General Plan EIR identifies Mitigation Measures in the following potential impact categories: Biological Resources, Cultural Resources, and Noise.

Biological Resource Mitigation Measures 4.4.1a through 4.4.3 were addressed within the Resource Management Element of the General Plan. None of the proposed amendments to the zoning regulations alter any existing protections for biological resources including wetlands, oak woodlands, sensitive biotic communities, or any other “sensitive resources”. No new mitigation measures are necessary as a result of the proposed amendments to the zoning regulations as all potential impacts were previously analyzed under the General Plan EIR.

Cultural Resource Mitigation Measures 4.5.1 and 4.5.2 were addressed within the Development Element of the General Plan. None of the proposed amendments to the zoning regulations alter any existing protections or requirements for cultural resources. No new mitigation measures are necessary as a result of the proposed amendments to the zoning regulations as all potential impacts were previously analyzed under the General Plan EIR.

Noise Mitigation Measure 4.10.1 was addressed within the Development Element of the General Plan. None of the proposed amendments to the zoning regulations alter any existing noise provisions. Appendix C, which contains exterior noise limit standards, remains unchanged.

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3. CEQA Analysis for Ukiah Valley Area Plan EIR

3.1 “SUBSTANTIAL CHANGES IN THE PROJECT” STANDARD

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this section presents a discussion of whether substantial changes are proposed which will require major revisions of the Ukiah Valley Area Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The proposed amendments being made throughout the zoning code are discussed in the Section 2 of this Addendum regarding the CEQA Analysis for the General Plan EIR. As the Ukiah Valley Area Plan (UVAP) was a focused plan for the Ukiah Valley Area that relied heavily on the existing General Plan policies analyzed under the General Plan EIR, the discussion in this Section of the Addendum will focus on solely the proposed amendments that are implementations of the UVAP and were analyzed under the UVAP EIR and not the General Plan EIR.

Two new zoning districts are proposed to be adopted to implement the UVAP. Chapter 20.086 “MUNS” Mixed Use North State District and Chapter 20.087 “MUBST” Mixed Use Brush Street Triangle District implement two land use designations that were established under the UVAP in 2011, Mixed Use North State and Mixed Use Brush Street Triangle. The two new zoning districts are structured like all other zoning districts with permitted uses, density standards, and floor area ratio based upon the UVAP land use designation. The environmental impacts associated with these new zoning districts were considered under the Environmental Impact Report prepared for the UVAP in 2011. This is because the new mixed use zoning districts are consistent with the UVAP land use classifications that they implement and any development allowed by the new zoning would not create any new nor more severe effect on the environment that was not previously considered by the UVAP EIR. A review of the UVAP Mitigation Monitoring and Reporting Plan confirmed that the County’s land division, building, and zoning codes and the Ukiah Municipal Airport Land Use Compatibility Plan establish land use and environmental limitations that will reduce any significant environmental effect of mixed use development to a level that is not significant. Consequently, the application of the new mixed use zoning districts within the Mixed Use North State and Mixed Use Brush Street Triangle General land use classification would not create a significant effect on the environment that was not previously considered by the UVAP EIR.

CEQA Guidelines section 15183(a) provides that “*projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*” The two new zoning districts are consistent with the development density established under the Mixed Use North State and Mixed Use Brush Street Triangle land use designations provided for in the UVAP and analyzed under the UVAP EIR. There are no project-specific significant effects which are peculiar to the adoption of these two new zoning districts.

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3.2 "SUBSTANTIAL CHANGES IN THE CIRCUMSTANCES" STANDARD

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this section presents a discussion of whether changes to the project site or the vicinity have occurred subsequent to the certification of the UVAP EIR that would result in new significant impacts or a substantial increase in the severity of a previously identified significant impact.

The physical or environmental setting within Ukiah Valley have not substantially changed since the UVAP EIR was certified in 2011. No substantial changes have occurred in the Ukiah Valley that were not previously considered under the UVAP EIR. Development in the region has occurred at a slower pace than anticipated in the UVAP EIR. Based on the environmental baseline identified in the UVAP EIR, the physical changes to the Ukiah Valley that have occurred are consistent with the analysis of the UVAP EIR and the cumulative projects considered in the UVAP EIR. There have been no substantial changes in the circumstances considered in the UVAP EIR.

Further, CEQA Guidelines section 15183(a) provides that "*projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*" The two new zoning districts are consistent with the development density established under the Mixed Use North State and Mixed Use Brush Street Triangle land use designations provided for in the UVAP and analyzed under the UVAP EIR. There are no project-specific significant effects which are peculiar to the adoption of these two new zoning districts.

3.3 "NEW INFORMATION OF SUBSTANTIAL IMPORTANCE" STANDARD

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this section includes a discussion of whether the Modified Project would result in new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. New information of substantial importance includes: (1) one or more significant effects not discussed in the previous EIR; (2) significant effects previously examined that are substantially more severe than shown in the previous EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR and that would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No new information of substantial importance has been identified that was not known or could have been known at the time of certification of the previous EIR that shows the zoning code update will have one or more significant effects not discussed in the previous EIR. As discussed in the subsequent section, no significant effects previously examined are substantially more severe than shown in the previous EIR. The Mendocino County Board of Supervisors determined all mitigation measures in the Ukiah Valley Area Plan EIR to be feasible and as a result all were adopted as goals, policies, or action items in connection with the Ukiah Valley Area Plan. No new mitigation measures are recommended.

3.4 ENVIRONMENTAL REVIEW

The Mitigation Monitoring and Report Program adopted for the UVAP EIR identifies Mitigation Measures in the following potential impact categories: Land Use, Geology and Soils, Hydrology and Water Quality, Biological Resources, Cultural Resources, Traffic and Circulation, Air Quality, Noise, Aesthetics, Public Services and Infrastructure, Hazards and Hazardous Materials, Energy, and Global Climate Change.

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Land Use Mitigation Measures OC3.1-a, OC3.1b, OC3.3c, and LU4.1a were adopted in response to the potential impact of conversion of farmland and prime agricultural soils to non-agricultural uses. The two proposed zoning districts are not proposed to be applied to any individual parcels as part of this zoning code amendment and do not convert farmland and prime agricultural soils to non-agricultural uses. Should properties be rezoned into the new zoning districts, analysis will occur at that time to determine if any potential loss of farmland or agricultural soils would occur. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Land Use Mitigation Measures OC3.4a, OC3.4b, and OC3.4d were adopted in response to the potential impact that the UVAP could result in conflicts between agricultural uses and Williamson Act contracts. The two proposed zoning districts are not proposed to be applied to any individual parcels as part of this zoning code amendment. Should properties be rezoned into the new zoning districts, analysis will occur at that time to determine if potential conflicts would occur. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Land Use Mitigation Measure LU7.1d solely applies to new commercial retail development over 100,000 square feet in size when proposed. The two proposed zoning districts are not proposed to be applied to any individual parcels as part of this zoning code amendment. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications.

Mitigation measures applicable to Geology and Soils apply at the time of approval of future discretionary projects. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Mitigation measures applicable to Hydrology and Water Quality are primarily concerned with properties located within flood zone areas and the potential for development to occur in these areas. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Biological Resource Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts do not alter any existing protections for biological resources including wetlands, oak woodlands, sensitive biotic communities, or any other "sensitive resources". The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Cultural Resource Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts do not alter any existing protections or requirements for cultural resources. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The

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3. CEQA Analysis for Ukiah Valley Area Plan EIR

proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Traffic and Circulation Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts do not alter any existing policies or standards for transportation or circulation related issues. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Air Quality Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Noise Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Aesthetics Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Mitigation Measures applicable to Public Services and Infrastructure will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Mitigation Measures applicable to Hazards and Hazardous Materials will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Energy Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

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ADDENDUM TO THE GENERAL PLAN EIR FOR THE 2024 INLAND ZONING ORDINANCE UPDATE
(TITLE 20, DIVISION I)
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Global Climate Change Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Further, CEQA Guidelines section 15183(a) provides that “*projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*” The two new zoning districts are consistent with the development density established under the Mixed Use North State and Mixed Use Brush Street Triangle land use designations provided for in the UVAP and analyzed under the UVAP EIR. There are no project-specific significant effects which are peculiar to the adoption of these two new zoning districts.