



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: March 7, 2025
TO: General Government Standing Committee
FROM: Julia Krog, Director
SUBJECT: **Required Permitting for Water Storage Tanks in the Coastal Zone**

During the February 26, 2025 General Government Standing Committee meeting, a public comment was made as part of agenda item 2a regarding the Drought Task Force by Ishvi Aum expressing concern regarding the permitting requirements for water storage tanks in the Coastal Zone. An assertion was made in the public comment that the County is not interpreting the provisions of the Local Coastal Program accurately and is unnecessarily requiring Coastal Development Permits for water storage tanks of all sizes. The General Government Standing Committee requested an update regarding the public comment at the next meeting.

This memorandum provides background on the permitting requirements of water storage tanks in recent years and an overview of the Planning and Building Services permitting requirements as it relates to water storage tanks in the Coastal Zone.

BACKGROUND

On April 20, 2021, the Mendocino County Board of Supervisors adopted Resolution No. 21-051 declaring a local emergency due to drought conditions.

On July 13, 2021, the Mendocino County Board of Supervisors adopted Ordinance No. 4494, an urgency ordinance which allowed and established requirements for temporary installation and use of water tanks during the 2021 drought emergency. This Ordinance was proposed at the direction of the Drought Ad Hoc and waived certain zoning requirements for all properties related to the installation of 5,000-gallon or smaller water tanks that have a height to diameter or width ratio of no greater than 2:1. The ordinance exempted residents and businesses who pursued installation of a 5,000-gallon or smaller water tank from certain County Zoning Code provisions related to lot coverage, corridor preservation setbacks, yard setbacks (with some exceptions), and discretionary review. The ordinance provided that these water tank installations must still comply with certain health and safety related requirements, including the potential to comply with any requirements of a water district or company with jurisdiction over the property. The ordinance also established procedures for property owners who wished to maintain the water tanks after the expiration of the ordinance.

On April 25, 2023, the Mendocino County Board of Supervisors adopted Resolution No. 23-077 terminating the existence of a local emergency due to drought conditions. As a result, Ordinance No. 4494 expired pursuant to the term language in section 9 of the Ordinance.

COASTAL ZONE PERMIT REQUIREMENTS

Mendocino County has a certified Local Coastal Program for the majority of areas within the Coastal Zone of the County. There are areas of retained jurisdiction and deferred certification where authority is retained by the California Coastal Commission in administering Coastal Development Permits. Areas of retained jurisdiction are generally tidelands, submerged lands and areas within the mean high tide. Areas of deferred certification are areas containing pygmy forest.

[Mendocino County Code section 20.532.010](#) provides that any person, partnership, corporation, state or local agency or special district proposing to undertake development as defined in [Mendocino County Code](#)

[Section 20.308.035\(D\)](#) shall obtain a coastal development permit in accordance with Chapter 20.532. "Development" is defined as:

"Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.

[Mendocino County Code Section 20.532.020](#) provides limited exemptions from the need to obtain a coastal development permit for specific types of development with some exclusions based upon resources present and location. The exemptions contained in Mendocino County Code Section 20.532.020 reference exemptions provided for under the California Coastal Act (specifically sections 13250-13253 of the California Code of Regulations) and activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978. The County cannot create more exemptions than exist in the California Coastal Act.

Most commonly our office receives requests to install water storage tanks on residential use properties. Mendocino County Code section 20.532.020(C) provides for exemptions from the need to obtain a coastal development permit for "improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter". This exemption links to [California Code of Regulations section 13250](#).

California Code of Regulations section 13250(a)(2) specifies that "structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units..." shall be considered a part of an existing single family residential building. Subsection (b) provides that certain classes of development require a coastal development permit because they involve risk of adverse environmental effects. These classes are as follows:

- (1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.*
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;*
- (3) The expansion or construction of water wells or septic systems;*
- (4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, an improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.*
- (5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major*

- water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.*
- (6) *Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.*

Planning and Building Services has interpreted that water storage tanks on residential properties are considered structures on a property normally associated with a single family residence and therefore may be found to be exempt from the need to obtain a coastal development permit unless located in one of the six identified classes of development noted above that specifically require a coastal development permit. Most commonly we see that a coastal development permit is required because a property is located in a mapped highly scenic area or within 50 feet of the edge of a coastal bluff. Highly scenic areas are identified on the certified Local Coastal Program maps, which can be viewed at the following link:
<https://www.mendocinocounty.gov/departments/planning-building-services/maps>.

In addition, if “development” is proposed within the Town of Mendocino, a Mendocino Historical Review Board Permit may be required.