

ORDINANCE NO.4365

AN ORDINANCE AMENDING SECTIONS WITHIN DIVISION II OF TITLE 20 OF THE MENDOCINO COUNTY CODE

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

Section 1. On August 4, 2015, the Board of Supervisors adopted the 2014-2019 Housing Element Update of the General Plan. The Housing Element contained Action Item 4.1d, which calls for the County to amend its definition of "Family" in Chapter 20 of the Mendocino County Code, Action Item 4.3h, which includes "Treating applications for transitional and supportive housing applications similar to other residential applications within that zone", and Action Item 4.3j, which calls for the County to permit emergency shelters by right in commercial zoning areas. It is the intent of this Ordinance to fulfill this requirement.

Section 2. The purpose of this Ordinance is to facilitate the resolution of housing discrimination complaints and promote fair housing programs and to encourage a range of housing types to address the housing needs of the County's special needs populations. This Ordinance encourages these goals by bringing the County into compliance with Senate Bill 2 (2007) and the State's definition of "Family" in regards to housing. By eliminating unreasonable barriers and expanding the possibilities to provide a wider range of emergency shelters, supportive and transitional housing, this Ordinance allows the County to achieve these goals while protecting the public health and safety.

Section 3. Chapter 20, Division II of the Mendocino County Code is hereby amended to read as follows:

1) Section 20.308.040 - Definitions (E) of the Mendocino County Coastal Zoning Code is amended with the addition of the definition of "Emergency Shelter" as follows:

- (C) "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 months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (D) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat over-exploitation, predation, competition, disease, or other factors; or a species of animal or plant shall be presumed to be endangered as it is listed in (1) Sections 670.2 or 670.5, Title 14, California Administrative Code; or (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as endangered.
- (E) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (F) "Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.
- (G) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal

haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.

- (H) "Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

3) Section 20.308.045- Definitions (F) of the Mendocino County Coastal Zoning Code is amended to revise the existing definition of "Family" as follows:

- (A) "Family means one 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.

2) Section 20.308.110- Definitions (S) of the Mendocino County Coastal Zoning Code is amended with the addition of the definition of "Supportive Housing" as follows:

- (37) "Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population 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.

- (38) "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, swimming, bathing, soaking or therapeutic purposes.

3) Section 20.308.115 - Definitions (T) of the Mendocino County Coastal Zoning Code is amended with the addition of the definition of "Transitional Housing" as follows:

- (G) "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 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.

4) Section 20.320.060 of the Mendocino County Coastal Zoning Code is amended to remove "halfway houses" from the definition of Civic Use Type "Group Care" as follows:

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 intermediate care facilities and rest homes.

5) Chapter 20.444- General Provisions and Exceptions Districts of the Mendocino County Coastal Zoning Code is amended to add Section 20.444.040, to read as follows:

Sec. 20.444.040- Supportive and Transitional Housing

Upon issuance of a Coastal Development Permit, in accordance with Chapter 20.532, 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 13th day of September, 2016, by the following vote:

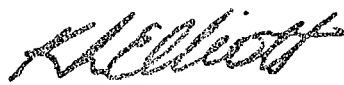
AYES: Supervisors Brown, McCowen, Gjerde, and Hamburg
NOES: None
ABSENT: Supervisor Woodhouse

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

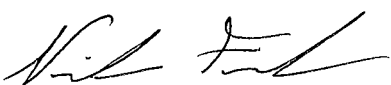
APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel




DAN GJERDE, Chair
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy