

Laytonville Area Municipal Advisory Council
Recommendation to the County of Mendocino
On the Creation of a Formula Retail Ordinance
Submitted March 2, 2016

Summary: The following recommendations are presented to the Mendocino County Department of Planning and Building Services, and the Mendocino County Board of Supervisors by the Laytonville Area Municipal Advisory Council (LAMAC) for consideration in the creation of a Formula Retail Ordinance. The LAMAC engaged the community of Laytonville over a three-month period, involving approximately 200 people in creating the following recommendations.

Background: The LAMAC first discussed the issue of formula businesses at its December 16, 2015 LAMAC meeting. A subcommittee was formed to help refine the issues and conduct outreach for a January 27, 2016 meeting. Outreach was successful and over 100 people were in attendance at the January meeting. Diverse opinions were heard on issues ranging from formula retail to enforcement to incorporation to beautification. Some participants spoke in favor of an across-the board ban on formula business, while others spoke about the importance of encouraging all economic development. Consensus about which types of businesses are desirable was not achieved. However, there was an overwhelming desire that Laytonville have a say in its future, including the future of formula business.

Other themes that emerged from the January 27 meeting include the need for a community wastewater treatment system to support housing and economic development, and the importance of town safety.

At the February 24 LAMAC Meeting, the Formula Retail Subcommittee presented four recommendations to the community and the LAMAC that were based on broad community consensus from the first meeting. Over 50 people were in attendance at this meeting and endorsed the recommendations. The Municipal Advisory Council unanimously voted to accept the recommendations.

It is the LAMAC's understanding that the Mendocino County Department of Planning and Building Services is currently drafting a formula retail/restaurant ordinance that will apply to unincorporated communities, including Laytonville. The LAMAC seeks to advise the County in the creation of this new ordinance. The LAMAC invites the County to present its draft ordinance to the LAMAC at a regularly scheduled meeting. Meetings are held the fourth Wednesday of each month.

Formula Retail Definition: The County currently defines "Formula Retail" as any business with "retail sales or rental activity, or retail sales or rental establishment, regardless of location or ownership, which along with 10 or more other establishments maintains two or more of the

following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features”.

The definition of “Formula Restaurant” is the same, with the addition of standardized menus and ingredients.

Discussion: The issue at hand is how to give unincorporated communities a voice in the approval of *newly proposed* formula business. This is what did not happen in Redwood Valley, and it precipitated the adoption of a county-wide urgency ordinance that temporarily bans all new formula retail.

One of the simplest ways to accomplish this is to require that any new formula business proposal trigger a permit process that ensures public hearings at the Planning Commission. By requiring an applicant to apply for a use permit, or similar permit that ensures a public process, the issue will come before the LAMAC and the Planning Commission, offering at least two opportunities for Laytonville residents to have a voice in future development. The permit process would *not* apply to non-formula business, nor existing formula businesses.

Recommendation: After careful review and consideration of the community input received at the December 16, January 27, and February 24 LAMAC meetings, and finding that the following recommendations are consistent with General Plan Policies for Laytonville, the LAMAC advises the County of Mendocino as follows:

1. A Formula Retail Ordinance should require that all formula retail and restaurants apply for a Use Permit, or similar permit that ensures a public hearing and community review of the project. A public hearing, and referral to the LAMAC, should also be required for any zoning change requests.
 - General Plan Policy CP-L-6: The County supports local industries which maintain Laytonville and Long Valley’s unique and rural character.
 - General Plan Policy CP-L-7: Laytonville and Long Valley shall be maintained as a community with businesses that are unique or local to Mendocino County which entice people to get out of their vehicles; and provide a community scale and context compatible with surrounding uses (including building size restrictions).
 - General Plan Action Item CP-L-2.1: Continue to refer discretionary projects to, and consider recommendations of, the Laytonville Area Municipal Advisory Commission prior to taking action on the proposal.
2. Consider revising the definition of “Formula Retail” and “Formula Restaurant” to reduce the number of establishments with standardized features from 10 to 5. (See definition above. Reducing the definition from 10 to 5 would help close the loophole that exempts some Formula Retail from undergoing a public hearing).
 - General Plan Policy CP-L-7: Laytonville and Long Valley shall be maintained as a community with businesses that are unique or local to Mendocino County which entice people to get out of their vehicles; and provide a community scale and context compatible with surrounding uses (including building size restrictions).

3. Regulation of Formula Retail is only effective if enforced. The County should enforce existing codes and ordinances to ensure a level playing field for all business owners, and across-the-board compliance.
General Plan Action Item CP-L-3.1: Aggressively enforce zoning and other development standards as a means of improving community image and reducing blight in Long Valley.
4. Cannabis-based business should be held to the same standard as any other business with regard to compliance with and enforcement of existing zoning codes and ordinances. (i.e. 1,000 foot setbacks from schools, sign ordinances, ADA compliance, etc.)



Hopland Municipal Advisory Council

13420 S. Highway 101, Hopland, CA 95549

Date: September 21, 2016
To: Mendocino County Planning Commission and Board of Supervisors
From: HOPLAND MAC
RE: FORMULA BUSINESS ORDINANCE & COMMUNITY CHARACTER:

The following are comments from the Hopland MAC regarding the Formula Business Ordinance and Community character provisions. These comments were voted on after consideration at the Hopland Mac Meeting on September 21, 2016.

1. Individual communities within Mendocino County, are in fact, individual. All communities do not share the same issues with one another. The Formula Business Ordinance (per County staff) is based on the prohibitions as outlined in the Mendocino Town Plan. Hopland is not Mendocino. Hopland is differentiated significantly due to the 12,000 plus cars that drive through it's main thoroughfare each day. Motorists transiting through Hopland (and through Mendocino County) have different needs in regards to services and facilities that relate to having US HWY 101 as it's primary corridor. Limiting the nature of these services and facilities based on the size, nature and geographic reach of a particular business (if the business does in fact have more than ten locations) does not benefit the public.
A generic, one-size fits all ordinance is not appropriate or beneficial to the County.
2. The proposed Formula Business Ordinance and the requirement for a Minor Use Permit subjugates the authority and discretion of the Municipal Advisory Councils dedicated to specific communities and the needs of those communities. The proposed Formula Business Ordinance does not consider the individual needs of specific communities.
3. The Community Character Combining District and its component requirements lists (see Sec. 20.174.010 Intent) a random assortment of vague descriptors that purport to illustrate what is meant by Community Character including "visual attractiveness", "community areas", "diverse commercial activities", "historic character", "sense of community" and "Encourage locally owned businesses, and support the creation of economic opportunity"... What is missing is how the County will actually define, implement and promote these ideas. The primary duty of Planning and Building staff

must be to assist applicants in negotiating through the reasonable adherence to existing zoning and building code compliance. Any attempt to complicate or make unclear the pathway to responsible development must be discouraged by the County and the associated Municipal Advisory Councils. The possible Community Character impacts include:

- a. Restrictions on site development including placement of buildings, access points and roads, setbacks, parking and open space.
- b. Restrictions on architectural design, citing "character, scale and relationship with the site and other buildings", materials, colors and character of adjacent buildings", to name just few of the implausibly subjective criteria that will have to be interpreted by staff.

Based on the above considerations, it is requested that the adoption of the proposed Formula Business Ordinance be continued until a full ad hoc level review by the Board of Supervisors, related staff, and MAC membership is completed that evaluates the significant implications and possible negative economic impacts created by this proposed ordinance.

Sincerely,



Julie Golden, Chair
Hopland MAC

**Redwood Valley Municipal Advisory Council
Comments to the County of Mendocino
Community Character Combining District
CC CD 20 147 October, 2016**

The RVMAC met on October 4, 2016 and submits the following additional comments to the draft of the Community Character Combining District.

Sec. 20.147.010 Intent

(B) Protecting diverse agricultural and commercial activities of each community area and commercial places by encouraging a variety of commercial land uses that serve the needs of the community.

(C) Preserve and enhance the established historic and natural environmental character of each of the communities, including the retention and restoration of historic buildings and sites.

New Comment: It is not just about what we **have** that creates Community Character, but also about what we **don't** have. Part of protecting and preserving the natural environment - arguably the County's primary asset - is to retain places that are unencumbered by traffic, noise, and glaring lights.

(E) Encourage locally owned businesses that build on existing assets of the community according to Smart Growth Principles of sustainability, infill, and place-based development that also support the creation of economic opportunity and improve the aesthetic character of core downtown community areas.

New Comment: The recently released Sonoma Mendocino Comprehensive Economic Development Strategy (CEDS) cites that "...the region is one of immense natural beauty, quality of life, and economic drivers that attract visitors from around the world." Specific reference is given to the region's locally grown and organic food, natural products and healthy living industries, and clean energy as drivers that will play an increasingly important role in diversifying and strengthening the economy in the future. This vision is exactly what the RVMAC means when it talks about how we want our rural economy to grow by building on the assets we have and developing an economy that will be resilient, will focus on locally owned business, and will create living wage jobs. The RVMAC also wants to know if it is possible legally to add language that specifically calls for preference for "local businesses," without being considered discriminatory? Have other communities done this successfully?

Sec. 20.147.030 Requirement

New Comment: To this section, we would request that language be added confirming legal notice by mail will be given to property owners adjacent to the site of the proposed project. In addition, since “formula businesses” are such an important factor in what defines a community’s character, especially that of a rural community, we feel that special consideration is due to such a business expansion. Therefore, we would request that an additional requirement be included for notice to residents within 1,000 feet of the parcel’s border.

Additional Concerns of the RVMAC

- That the community be notified early in the process of a Formula Business application, and that ample time be given to garner community input. We further request that notice be “enhanced” from the usual somewhat obscure notice in a local newspaper. Besides the notice to residents cited above, we suggest that social media such as MAC websites, Facebook pages, and other media platforms be utilized if they exist in the subject community.
- That the compatibility of the project with the Community Character and the will of the community will be a high priority. In this regard, the question was posed: “Will there ever be a time when the Zoning Administrator, the Planning Commission, or the Board of Supervisors are on ‘Yes’, but the community is still on ‘No’ that the County would be empowered to deny the permit?” This seems to be the crux of the issue to us.