ORDINANCE NO. 4497

ORDINANCE AMENDING MENDOCINO COUNTY CODE, TITLE 20, DIVISION II, CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 TO ESTABLISH REGULATIONS RELATED TO ACCESSORY DWELLING UNITS IN THE COASTAL ZONE

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

Section 1: Section 20.308.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.020 – Definitions (A).

(A) "Access" means the permission, ability and means to enter and pass to and from property.

(B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a property.

(C) "Access, Coastal" means public rights-of-way to and along the sea.

(D) "Access, Lateral" means a public accessway for public access and use along the shoreline.

(E) "Access, Vertical" means a public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing or to a lateral accessway.

(F) "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 outbuildings, etc. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except for "Accessory Living Units" and "Accessory Dwelling Units" as provided in Chapter 20.456 (Accessory Use Regulations) and Chapter 20.458 (Accessory Dwelling Units).

(G) “Accessory Dwelling Unit” or "ADU" means an attached or detached residential dwelling in compliance with Chapter 20.458, 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 proposed or existing single-family or multi-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).

(H) "Accessory Living Unit" means a detached bedroom as defined in Section 20.308.035(B), ~~or~~ a guest cottage as defined in Section 20.308.050(I), or an ADU as defined in Section 20.308.020(G), or a JADU as defined in Section 20.308.065(A).

(I) Accessory Structure. See Accessory Building.

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

(K) "Aggrieved Person" means any person who, in person or through a representative, appeared at a public hearing held by the County of Mendocino in accordance with these regulations, or who, by other appropriate means prior to

action on a development permit or variance, informed the County of his or her concerns about the application for such permit and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

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

(M) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.

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

(O) "Anadromous Stream" means fresh water stream used as a migration corridor and spawning and nursery habitat by fish, such as salmon and steelhead trout, that live most of their lives in saltwater.

(P) "Animal Raising." See Light Agriculture.

(Q) "Animal Waste Processing" means processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.

(R) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.

(S) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.

(T) "Applicant" means the person, partnership, organization, corporation or state or local government agency applying for a coastal development permit or other land use approval pursuant to this Division.

(U) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator, Planning Commission or Board of Supervisors authorized by this Division to make decisions affecting the Administration or enforcement of this Division.

(V) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.

(W) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section Ell of the California Environmental Quality Act (CEQA). Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological or paleontological site shall cease and desist from all further excavation within one hundred (100) feet of the discovery and notify the Director of the Department of Planning and Building Services in conformance with Mendocino County Code Chapter 22.12. See also Paleontological Site.

(X) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).

(Y) "Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, dumping or abandonment 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.

Section 2: Section 20.308.035 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.035 – Definitions (D).

(A) "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot. ADUs and JADUs are not considered to be dwelling units for the purpose of density calculations.

(B) "Detached Bedroom" 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 20.456 (Accessory Use Regulations).

(C) Detached Building. See Building, Detached.

(D) "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.

(E) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.

(F) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.

(G) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.

(H) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(I) "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. A parcel with a single-family dwelling and an ADU and/or JADU is not considered to be a dwelling group.

(J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

Section 3: Section 20.308.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.040 – Definitions (E).

(A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to use, privilege or benefit over said property.

(B) “Efficiency Kitchen” means a small food preparation area for a JADU 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 JADU.

(C) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

(D) "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.

(E) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one (1) 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.

(F) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.

(G) "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.

(H) "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.

(I) "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 freshwater runoff from the land.

Section 4: Section 20.308.065 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.065 – Definitions (J).

(A) “Junior Accessory Dwelling Unit” or "JADU" is a living space not exceeding five hundred (500) square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU shall include a separate entrance from the main entry to the single-family dwelling, an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing single-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).

(B) "Junk Yard" 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.

Section 5: Section 20.308.075 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.075 - Definitions (L).

(A) "Land Use Plan" means the relevant portions of a local government's general plan, or coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

(B) Lateral Access. See Access, Lateral.

(C) "Legally Authorized Residential Structure" is a dwelling unit, accessory living unit or garage that either has been constructed with required permits and approvals from the California Coastal Commission and County of Mendocino or is a legal, non-conforming structure (see Section 20.308.050(D)).

(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.

(E) "Living Unit" means any building or vehicle designed or used for human habitation, including but not limited to a dwelling, accessory living unit, farm employee housing, farm labor camp, or mobile home.

(F) Living Unit, Accessory. See Accessory Living Unit.

(G) "Local Coastal Element" means that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to Division 20 of the Public Resources Code, or such additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

(H) "Local Coastal Program" means a local government's (1) land use plans, (2) zoning codes, (3) zoning district maps, and (4) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this Division at the local level.

(I) Lodging house. See Hotel.

(J) "Lot" means a single parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision created pursuant to the Subdivision map Act and recorded in the Mendocino County Recorder's office; or a parcel of real property that qualifies for a Certificate of Compliance pursuant to Government Code Section 66499.35. "Lot" shall also mean "parcel," but does not include road easements or right-of-way.

(K) "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 for parcels zoned RR, SR, RV, FV, C, I and PF.

(L) "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.

(M) "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves.

(N) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

(O) "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

(P) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

(Q) "Lot, Interior" means a lot other than a corner lot.

(R) "Lot, Key" means an interior lot adjacent to a corner lot, the side lot of which is contiguous with the rear lot line of the corner lot.

(S) "Lot Line" means any property line bounding a lot.

(1) "Lot Line, Exterior" means a property line abutting a public or private road or street.

(2) "Lot Line, Front" means the line separating the front of the lot from the street right-of-way. When a lot or buildings site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front line shall be the lot line that is nearest to the public street. In the case of a flag lot, the front lot line shall also include the lines, or portion of lines, on both sides of the strip of land that connects the lot with the

street, the line that is closest to and generally parallel to the street right-of-way, and the line that is established by projecting the line that intersects the strip of land, across the strip of land. In the case of irregular frontage or access, the front lot line shall be determined by the Coastal Permit Administrator.

(3) "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.

(4) "Lot Line, Side" means any lot lone other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

(5) "Lot Line, Street" means any lot line abutting on a street.

(6) "Lot Line, Nonconforming" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.

(T) Lot Size. See Lot Area.

(U) "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

(V) "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Division.

Section 6: Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.316.010 - 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. ADUs and JADUs are considered an accessory use and are not counted as dwelling units for purposes of the Family Residential definition. The following are family residential use types:

(A) **Family Residential: Single-Family.** The use of a parcel for only one (1) dwelling unit.

(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. On the Remote Residential, Agricultural, 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. ADUs and JADUs are not permitted on parcels where a dwelling group is approved.

(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 20.412 (Clustering Development Combining District). ADUs and JADUs are not permitted on parcels where a cluster development is approved.

(F) **Family Residential: Boarding House.** The use of a building or portion thereof, other than an inn, bed and breakfast, hotel, motel, hostel, vacation home rental, or student/instructor temporary housing, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

Section 7: Section 20.456.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.456.015 - Residential and Agricultural Use Types.

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single-family residence:

(A) **Private garages**.

(B) **Children's playhouse, patios, porches, gazebos, etc**.

(C) **Windmills**.

(D) **Shops** (non-business purposes).

(E) **Barns**.

(F) **Private swimming pools and hot tubs** (not subject to setback requirements in the side or rear yards of any district).

(G) **Accessory Living Unit**. Not more than one guest cottage or detached bedroom may be permitted on each legal parcel. An ADU and/or a JADU may also be permitted, subject to the limitations established in Chapter 20.458.

(H) **Room and Board**. The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, except on properties with an ADU and/or a JADU where such use shall be prohibited.

(I) **Day care center, family care home, or school**, for six (6) or less persons.

(J) **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. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, 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.

(K) **Home Occupations**. Subject to Chapter 20.448.

(L) **Household Pets**. The keeping of dogs and cats and other household pets, but not including kennels.

(M) **Accessory Parking**.

(1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.

(2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.

(3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.

(4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural o: home use.

As used in this subsection "large vehicle" shall mean vehicles of three-ton tare (unladen weight).

(N) **Public Access**. The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and/or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.

(O) **Other Necessary and Customary Uses**. Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services.

Section 8: The title of Chapter 20.458 of the Mendocino County Code is hereby amended to read as follows:

Chapter 20.458 - ACCESSORY DWELLING UNITS

Section 9: Section 20.458.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.458.005 - Declaration.

The intent of this chapter is to regulate the creation of ADUs and JADUs in all zones within the unincorporated areas of the Coastal Zone of Mendocino County as required by Section 65852.2 and Section 65852.22 of the California Government Code, as amended. Section 65852.2 and Section 65852.22 establish specific requirements for the regulation of ADUs and JADUs with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ADUs and JADUs are not considered new residential units for the purpose of calculating residential density. This chapter is intended to protect coastal resources when regulating ADUs and JADUs in the Coastal Zone, while also complying with the standards in Section 65852.2 and Section 65852.22 to the greatest extent feasible.

Section 10: Section 20.458.010 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.010 - **Cap on Number of Accessory Dwelling Units.**

The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. JADUs are exempted from this cap.

Any change to the cap on the number of ADUs shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to modify the cap, a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in the Coastal Zone of Mendocino County.

Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs may be permitted. JADUs are exempted from this cap. When this number has been reached, a review shall be conducted to determine if ADUs are meeting the intent of providing additional affordable housing and whether additional ADUs can be accommodated. Any change to the maximum number of ADUs in the Gualala Town Plan area shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to increase or remove the cap, the County shall provide information that demonstrates that the plan area has adequate water and sewer capacity for projected buildout and a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in Gualala and the surrounding Coastal Zone area.

Section 11: Section 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.015 - Permit.

ADUs or JADUs may be permitted in any zone that allows residential uses as a permitted or conditional use ADUs or JADUs may be permitted in accordance with one of the following determinations:

(A) Determined to be exempt from the requirement to obtain a coastal development permit pursuant to Section 20.532.020; or

(B) Determined to meet the criteria for a coastal development ministerial permit pursuant to Section 20.532.015(B); or

(C) Determined to require a coastal development permit pursuant to Section 20.532.015 (A).

Section 12: Section 20.458.020 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.020 - General Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

ADUs and JADUs shall conform to the following standards:

(A) An ADU or JADU shall only be permitted on a parcel that either contains an existing or proposed single-family dwelling. A proposed single-family dwelling means a dwelling that is the subject of a coastal development permit or Categorical Exclusion application and that meets the requirements for permitting. A ministerial or administrative coastal development permit application for an ADU or JADU submitted with the permit application for the proposed single-family dwelling shall be acted on after the application for the proposed single-family dwelling has been acted on and all appeal periods have ended. A certificate of

occupancy for an ADU shall not be issued before the certificate of occupancy is issued for the primary dwelling.

(B) An ADU may be attached to the single-family dwelling or located in a detached, separate structure.

(C) An existing legally-authorized accessory structure, accessory living unit, or family care unit may be converted into an ADU consistent with the provisions of this Chapter.

(D) Where a dwelling group or parcel clustering is approved, no ADU or JADU shall be allowed.

(E) ADUs and JADUs may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with California Government Code Section 65852.26.

(F) ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as vacation home rentals are as follows:

(1) In the coastal zone, on a property with an ADU and/or JADU, use of an ADU or JADU or any dwelling for transient habitation shall be prohibited. Existing licensed vacation home rentals in legal, non-conforming ADUs shall be phased out as business licenses are abandoned or expire. Vacation home rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be deemed a change of ownership for purposes of Section 6.04.070(g) of the County Code.

(2) Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include (a) the prohibition on the use of any dwelling for transient habitation and (b) for ADUs and JADUs proposed within 125 feet of the bluff edge that require the construction of a new structure, result in an expansion of an existing structure, or require repair or improvements to an existing structure to the extent that it constitutes a replacement structure pursuant to section 13252 of Title 14, California Administrative Code, a prohibition on the development of bluff or shoreline protective devices to protect the ADU or JADU from bluff retreat, erosion, or other coastal hazards in the future. The deed restriction shall run with the land, and be binding upon any future owners, heirs, or assigns.

Section 13: A new Section 20.458.025 is added to the Mendocino County Code as follows:

Section 20.458.025 - Specific Standards for Accessory Dwelling Units.

ADUs are subject to the following specific standards and criteria:

(A) In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that do not allow multi-family residential uses, an ADU shall not be allowed if more than one (1) dwelling unit (including farm employee

housing, farm labor housing, temporary family care unit, but not including a JADU) is located on the parcel, and/or if there currently exists more than one guest cottage and/or detached bedroom on the parcel.

(B) On properties with zoning classifications that allow multi-family residential units (i.e., Commercial, Suburban Residential, Gualala Village Mixed Use, Gualala Highway Mixed Use, or Gualala Planned Development) and which have existing two-family or multifamily dwelling structures, at least one ADU shall be allowed within an existing two-family or multifamily structure. Multiple ADUs up to 25 percent of the existing multifamily dwelling units may be allowed if each ADU complies with State building standards for dwellings. No more than two detached ADUs shall be permitted on a parcel with an existing multifamily dwelling.

(C) In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that allow multi-family residential units which have an existing single-family dwelling, an ADU and a JADU may be allowed, in addition to a guest cottage and/or detached bedroom.

(D) ADUs shall conform to height, setback, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:

(1) An existing legally-authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.

(2) A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.

(E) ADUs are subject to the following floor area limitations:

(1) For a detached ADU, total floor space may not exceed 1,200 square feet.

(2) For an attached ADU, total floor space may not exceed 1,200 square feet or 50 percent of the floor space of the existing or proposed single-family dwelling, whichever is less. In no instance shall the floor space of an attached ADU be restricted to less than 1,000 square feet for an attached ADU that provides more than one bedroom or less than 850 square feet for an attached ADU that provides one or less bedroom.

(F) See Section 20.458.035 for additional and more restrictive standards for ADUs on properties within the Gualala Town Plan area.

Section 14: A new Section 20.458.030 is added to the Mendocino County Code as follows:

Section 20.458.030 - Specific Standards for Junior Accessory Dwelling Units.

JADUs are subject to the following specific standards and criteria:

(A) In the coastal zone outside of the Gualala Town Plan area, a JADU may be allowed on a legal parcel in addition to one single-family dwelling, an ADU, and a maximum of one other accessory living unit (i.e., detached bedroom or guest cottage).

(B) After January 1, 2025, a JADU may only be established when either the single-family residence in which the JADU is created or the JADU will be occupied by the owner of the residence.

(C) No more than one JADU may be located on a parcel.

(D) A JADU must be contained entirely within a legally-authorized single-family dwelling and total floor space may not exceed 500 square feet.

(E) A JADU may be located within an existing legally-authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.

(F) A separate entrance to the JADU shall be provided.

(G) A JADU may share a bath with the single-family dwelling or have its own bath.

(H) A JADU is required to include an efficiency kitchen as defined in Section 20.308.040(B).

(I) For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.

(J) Prior to obtaining a building permit for a JADU, 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 JADU including, but not limited to, the prohibition on use of the unit for transient habitation, restrictions on size, and prohibition on sale separate from the sale of the single-family dwelling, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

(K) See Section 20.458.035 for additional and more restrictive standards for JADUs on properties within the Gualala Town Plan area.

Section 15: A new Section 20.458.035 is added to the Mendocino County Code as follows:

Section 20.458.035 - Specific Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in the Gualala Town Plan Area.

ADUs and JADUs in the Gualala Town Plan area are subject to all of the standards and requirements of this Chapter in addition to the following more restrictive standards:

(A) An ADU or JADU may not be permitted on parcels where there is more than one (1) dwelling unit (including temporary family care unit) or a guest cottage or detached bedroom.

(B) ADUs or JADUs are prohibited on parcels that are located west of State Route 1.

(C) On parcels that are less than one-half (0.5) acre in size, ADUs shall be required to be attached to the primary residence or as a second-story to a detached garage.

Section 16: A new Section 20.458.040 is added to the Mendocino County Code as follows:

Section 20.458.040 - Public Health and Safety Requirements.

(A) ADUs and JADUs shall comply with applicable local building code requirements. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the single-family dwelling.

(B) The Division of Environmental Health shall review and approve the availability and adequacy of the water system for all ADUs and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. An adequate water supply must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU.

(C) The Division of Environmental Health shall review and approve the availability and adequacy of the sewage disposal system for all ADUs and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. Adequate sewage capacity must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU.

(D) For ADUs, a preliminary clearance letter from CalFire shall be required for all ADUs on properties within a State Responsibility Area (SRA). For properties within a Local Responsibility Area, a letter shall be required from the local fire district indicating that all fire safety requirements can be satisfied. A letter from the local fire district shall also be required for properties within an SRA if the local fire district requests that ADU applications be referred for review and approval.

(E) ADUs are prohibited in areas designated as Floodplain ("FP") Combining District and/or designated special flood hazard areas which are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Section 17: A new Section 20.458.045 is added to the Mendocino County Code as follows:

Section 20.458.045 - Coastal Resource Protections.

All ADUs shall comply with the following requirements for the protection of coastal resources; JADUs shall comply where applicable:

(A) ADUs and JADUs may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within a legally authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) must also be located more than 100 feet from the boundary of an Environmentally Sensitive Habitat Area. An exception to these requirements may be authorized through the administrative coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.

(B) ADUs and JADUs may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within a legally-authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU or JADU must also be located more than 125 feet from the edge of a coastal bluff. An exception to these requirements may be authorized through the administrative

coastal development permit process where the development is consistent with the standards established in Chapter 20.500.

(C) An ADU may not be located within a Highly Scenic Area unless the ADU would be permanently and entirely blocked from view from all public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. An exception to this requirement may be authorized through administrative coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.504. ADUs located outside of Highly Scenic Areas that are visible from a public viewpoint shall be of a similar architectural style, building materials and colors as the primary residences on the property.

(D) An ADU may not be permitted if the total amount of grading associated with construction of the ADU is more than 20 cubic yards. An exception to this requirement may be authorized through the administrative coastal development permit process, as applicable, in circumstances where the grading is consistent with the standards established in Chapter 20.492.

(E) The following standards are established for the protection of agricultural and timber resources in the Coastal Zone:

(1) On parcels zoned AG, RL, FL or TPZ, a detached ADU may only be permitted, if it is setback no greater than 100 from the existing or proposed legally-authorized primary residence and relies on the primary residence's driveway or another legally-authorized existing driveway. An ADU established within a legally-authorized residential structure existing as of the effective date of the ordinance establishing these requirements is exempt from these requirements.

(2) On parcels zoned AG or RL, an ADU may not be located on land designated "Prime Agricultural Land." On parcels zoned AG or RL, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for agriculture. An exception to these requirements may be authorized through the administrative coastal development permit process, as applicable, in circumstances where the applicant can demonstrate, through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) and (B), as applicable, that the ADU will not impact the long-term productivity of the agricultural land and that the ADU is compatible with the commercial growing and harvesting of timber.

(3) On parcels zoned FL and TPZ, an ADU may only be permitted in locations where no major vegetation removal or harvesting is necessary. On parcels zoned FL or TPZ, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for timber production. An exception to these requirements may be authorized through the administrative coastal development permit process, as applicable, in circumstances where the applicant can demonstrate through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2), that the ADU will not impact the

long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.

(F) An ADU may not be permitted in a residential area on a parcel within 200 feet of lands that are designated AG, RL, FL or TPZ unless it is attached to an existing legally-authorized residence and does not extend further into the setback from the parcel with AG, RL, FL or TPZ zoning. In such cases, the ADU would not be considered an expansion of a legal, non-conforming use.

(G) An ADU may not interfere with a public or prescriptive easement for access to the blufftop and/or shoreline.

(H) An ADU may not be permitted in an area designated as Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District unless a report, prepared by a licensed engineer can demonstrate that the proposed development is consistent with the standards established in Chapter 20.416, and Chapter 20.432, respectively.

(I) ADUs may not be permitted on a property with known archaeological resources unless an administrative coastal development permit is applied for and received and where reasonable mitigation measures shall be employed to protect archaeological resources.

Section 18: A new Section 20.458.050 is added to the Mendocino County Code as follows:

Section 20.458.050 - Parking Requirements.

The following requirements and standards for off-street parking shall apply to ADUs and JADUs:

(A) No additional parking is required for a JADU.

(B) ADUs which meet any one of the following criteria are exempt from the parking requirements in this section:

(1) Located within one-half mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule.

(2) Located within one block of a car share parking spot.

(3) Located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property.

(4) Located in an area where on-street permit parking is required, but such permits are not available to the tenant.

(5) Located within a designated historic district.

(C) One parking space is required per ADU and the space may be provided through tandem parking.

(D) Parking for ADUs is allowed in front, rear and side setback areas.

Section 19: Section 20.472.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.472.015 - 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 (1.5) parking spaces for two (2) bedrooms, two (2) parking spaces per unit for three (3) or more bedrooms.

(D) Mobile home parks: two (2) parking spaces for each mobile home space.

(E) ADU: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).

(F) JADU: no parking required. See Chapter 20.458 (Accessory Dwelling Units).

Section 20: Section 20.532.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.015 - Permit Requirements.

Permits required by this Chapter must be secured prior to any development in the Mendocino County Coastal Zone.

(A) **Coastal Development Administrative Permit.** The purpose of a Coastal Development Administrative Permits is to provide for the administrative issuance of coastal development permits. The Coastal Permit Administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.536.055. Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit, except for ADUs and JADUs as specified in Section 20.458.045.

(1) Any single-family residence that is a principal permitted use within the zoning district in which the development site is located;

(2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located;

(3) Improvements to an existing structure;

(4) Any other developments not in excess of one hundred thousand dollars ($100,000) other than any division of land;

(5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines that it involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, and that it will be consistent with the Certified Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act. The determination shall be made in writing and based upon factual evidence.

(6) Any ADU or JADU that meets all of the requirements for a coastal development ministerial permit except for the objective requirements established in Section 20.458.045 and for which an exception to those requirements may be granted through the coastal development administrative permit process. A coastal development administrative permit for an ADU and/or JADU is not appealable to the Board of Supervisors but may be appealable to the Coastal Commission.

(B) **Coastal Development Ministerial Permit.** The purpose of a coastal development ministerial permit is to provide for the administrative issuance of coastal development permits for ADUs which comply with the objective requirements specified in Section 20.458.045. Coastal development ministerial permits may be approved by the Director or his/her designee. Approval of a coastal development ministerial permit requires findings of consistency with Chapter 20.458 as well as the required and supplemental findings specified in Sections 20.532.095 and 20.532.100, as applicable. A public hearing is not required for coastal development ministerial permits and they are not appealable to the Board of Supervisors. For development located within the appeal jurisdiction of the California Coastal Commission, coastal development ministerial permits are appealable to the Coastal Commission.

(C) **Coastal Development Use Permit.** A use permit must be secured, pursuant to the requirements of these regulations prior to the initiation, modification or expansion of a use or development that is permitted only as a conditional use in a particular district.

(D) **Coastal Development Variance.** Variances are discretionary adjustments in the regulations contained in this Division. Variances may only be granted to allow deviations from standards governing such development conditions as setbacks, lot coverage and lot width.

(E) **Coastal Development Standard Permit.** A coastal development standard permit must be secured for any other activity not specified above which is defined as a development in Section 20.308.035(D), including, but not limited to, land divisions, lot line adjustments and any other entitlement for use.

Section 21: Section 20.532.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.020 - Exemptions.

The following developments shall be exempt from this Chapter:

(A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;

(B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;

(C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;

(D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter;

(E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent

(10%) and shall be sited in the same location on the affected property as the destroyed structure;

(F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten percent (10%), restoration is started within one (1) year of the destruction, and the structure conforms to this Division;

(G) ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Section 22: Section 20.532.045 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.045 - Authority to Act on Coastal Development Permit.

Upon completion of project review and evaluation, the action to approve, conditionally approve, or deny a coastal development permit shall be taken by:

(A) The Director or his/her designee in the case of coastal development ministerial permits;

(B) The Coastal Permit Administrator in the case of coastal development standard permits for principal permitted uses and coastal development administrative permits; and

(C) The Planning Commission in the case of coastal development permits for conditional uses and divisions of land.

Section 23: Section 20.532.055 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.055- Time Periods.

(A) For all applications except for applications to create an ADU or JADU, within one hundred eighty (180) days of filing of a complete application for a coastal development permit, the Director, Coastal Permit Administrator or Planning Commission shall take such action as is specified in Section 20.532.050. The one hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department.

(B) For applications to create an ADU or JADU, action shall be taken within sixty (60) days of filing of a complete application for a coastal development permit

exemption, Categorical Exclusion or coastal development permit. The 60-day time period for acting on a complete application for an ADU or JADU submitted with a permit application for a proposed single-family dwelling shall not commence until after the application for the single-family dwelling has been acted on and all appeal periods have ended.

(C) If the Director, Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code Section 65956. 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.

(D) Failure to act – notice.

Notification by Applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

Notification by County. When the County determines that the time limits established pursuant to Government Code Sections 65950—65957.1 or Government Code Section 65852.2 for an ADU or a JADU have expired, the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 20.544.020. This Section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

(E) When an application for a coastal development permit has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D) or, for coastal development ministerial permits, the notice requirements of Section 20.536.010(C).

Section 24: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.055 - Permits for Approval of Emergency Work is hereby renumbered to be Section 20.536.060.

Section 20.536.050 - Notice to Assessor is hereby renumbered to be Section 20.536.055.

Section 20.536.045 - Nuisance is hereby renumbered to be Section 20.536.050.

Section 20.536.040 – Reapplication is hereby renumbered to be Section 20.536.045.

Section 20.536.035 - Assignment of Permits is hereby renumbered to be Section 20.536.040.

Section 20.536.030 - Revocation or Modification by the County is hereby renumbered to be Section 20.536.035.

Section 20.536.025 – Renewal is hereby renumbered to be Section 20.536.030.

Section 25: Section 20.536.020 of the Mendocino County Code is hereby renumbered to be Section 20.536.025 and amended to read as follows:

Sec. 20.536.025 - Application for Permit Amendment.

Any person holding a coastal development permit may apply for a permit amendment by complying with Section 20.532.025 (Application and Fee). For the purposes of this section, the amendment of a coastal development permit may include amendment of the terms of the permit itself, the waiver or alteration of conditions imposed pursuant to Sections 20.532.030 through 20.532.055.

(A) **Definition of Permit Amendment.** An amendment to a coastal development permit shall be processed in accordance with Section 20.532.025 when an applicant is requesting any change to the development project that was the subject of the approved coastal development permit. When, in the opinion of the Director, a major revision constituting substantial alteration in the permit is requested, an amendment shall not be processed, and a new coastal development permit application must be made.

(B) **Amendment to Ministerial Permits.**

(1) Amendments to ministerial permits may be approved by the Director or his/her designee based upon the same criteria and subject to the same reporting requirements and procedures as provided for issuance of ministerial permits in Section 20.536.010.

(2) If any amendment would, in the opinion of the Director or his/her designee, change the nature of the project so that it no longer meets the criteria established for treating the application as a ministerial permit pursuant to Section 20.536.010, then the application shall thereafter be treated in the manner prescribed by Section 20.536.025(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(C) **Amendment to Administrative Permits.**

(1) Amendments to administrative permits may be approved by the Coastal Permit Administrator upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in Section 20.536.005.

(2) If any amendment would, in the opinion of the Coastal Permit Administrator, change the nature of the project so that it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 20.532.015, then the application shall thereafter be treated in the manner prescribed by Section 20.536.025(C)(2) dealing with amendments to permits other than administrative permits.

(D) **Amendment to Permits other than Ministerial Permits and Administrative Permits.**

(1) The Director shall determine whether or not a proposed amendment is a material change to the approved permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be posted at the project site. Notice of such determination also shall be given as provided in Section 20.536.005(D). If no written objection to the amendment is received within ten (10) working days of the notice, the determination of immateriality shall be conclusive and the amendment effective.

(2) If the Director determines that the proposed amendment is a material change or if written objection is made to the determination of conditions that were required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Chapter 20.532, the application shall be referred to the approving authority having original jurisdiction over the coastal development permit. The material amendment shall be subject to the hearing and notice requirements of Section 20.536.015.

Section 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered to be Section 20.536.015 and amended to read as follows:

Sec. 20.536.015 - Coastal Development Permit Hearing and Notice Requirements.

(A) **Purpose.** The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not ministerial, administrative or emergency permits.

(B) **Hearing.** The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.

(C) **Notice.** At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership.

(D) **Content of Notice.** The notice shall contain the following information:

(1) A statement that the development is within the coastal zone;

(2) The date of filing of the application and the name of the applicant;

(3) The number assigned to the application;

(4) A description of the development and its proposed location;

(5) The date, time and place at which the application will be heard by the approving authority;

(6) A brief description of the general procedure concerning the conduct of hearing and local actions; and

(7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

(E) **Final Action.** A decision on a coastal development permit application shall not be deemed complete until:

(1) The decision has been made and all required findings have been adopted, and

(2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.

(F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

(1) The applicant;

(2) Any person who specifically requested, in writing, notice of such final action; and

(3) The Coastal Commission.

(4) The County Assessor.

(G) **Effective Date.** Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.015(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective on the eleventh day following the action of the approving authority to approve or deny the coastal permit unless prior to said eleventh day an appeal of the decision is filed as provided by Chapter 20.544.

Section 27: A new Section 20.536.010 is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.010- Coastal Development Ministerial Permits.

(A) **Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for ADUs that meet the requirements specified in Chapter 20.458.

(B) **Action.** The Director or his/her designee shall act on a coastal development ministerial permit without the requirement of a public hearing. Any permit approved by the Director or his/her designee for an accessory dwelling unit located in an area within the appeal jurisdiction of the California Coastal Commission shall contain a statement that the permit will not be effective until the appeal period to the California Coastal Commission has expired and no appeal has been filed.

(C) **Noticing.** Notice that the Director or his/her designee intends to act on a coastal development ministerial permit shall be mailed at least ten (10) calendar days prior to issuance by first class mail to:

(1) The applicant;

(2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;

(3) Any person who specifically requested, in writing, notice of such final action;

(4) The Coastal Commission; and

(5) The County Assessor.

(D) **Content of Notice.** The notice shall contain the following information:

(1) A statement that the development is within the coastal zone;

(2) The date of filing of the application and the name of the applicant;

(3) The case file number assigned to the application;

(4) A description of the development and its proposed location;

(5) The date on which the coastal development ministerial permit was approved; and

(6) If the development is located in an area that is subject to the appeal jurisdiction of the California Coastal Commission, a full disclosure of the procedure(s) for Coastal Commission appeals, including any fee(s) that may be required.

(E) **Final Action.** A decision on a coastal development ministerial permit application shall not be deemed complete until the decision has been made and all required findings have been adopted.

(F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

(1) The applicant;

(2) Any person who specifically requested, in writing, notice of such final action;

(3) The Coastal Commission; and

(4) The County Assessor.

(G) Effective Date. Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.010(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

Section 28: Section 20.536.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.005- Coastal Development Administrative Permits.

(A) **Purpose.** The purpose of this section is to provide for the administrative issuance of coastal development permits for those types of development projects specified in Section 20.532.015 and emergency permits as provided for in Section 20.536.055.

(B) **Action.** The Coastal Permit Administrator shall administratively approve, ~~or~~ conditionally approve, or deny a coastal development administrative permit without the requirement of a public hearing. Any permit approved administratively by the Coastal Permit Administrator, except for permits for ADUs and/or JADUs shall contain a statement that the permit will not be effective until it has been reported to and reviewed by the Board of Supervisors.

(C) **Reporting.** With the exception of a coastal development administrative permit for an ADU or JADU, a coastal development administrative permit approved by the Coastal Permit Administrator shall be available on the agenda of the Board of Supervisors at its next available meeting after the permit has been approved. The Coastal Permit Administrator shall report in writing to the Board at each meeting the permits approved under this section, with sufficient description of the work authorized to allow the Board to understand the development proposed to be undertaken. If, at the meeting, at least one (1) member of the Board so requests, the permit issued shall not go into effect and the application shall be processed in accordance with Section 20.536.010.

(D) **Noticing.** Notice that the Coastal Permit Administrator intends to act on a coastal development administrative permit for an ADU or JADU shall be mailed at least ten (10) calendar days prior to issuance. Notice that the Coastal Permit Administrator will report proposed issuance of the coastal development administrative permit to the Board of Supervisors shall be mailed at least ten (10) calendar days prior to the meeting. The notice shall be provided by first class mail to:

(1) The applicant;

(2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred

(100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;

(3) All persons who have requested to be on the mailing list for that development project;

(4) All persons who have furnished self-addressed and stamped envelopes and requested to be on the mailing list for development located within the Coastal Zone boundaries; and

(5) The Coastal Commission.

(E) **Content of Notice.** The notice shall contain the following information:

(1) A statement that the development is within the coastal zone;

(2) The date of filing of the application and the name of the applicant;

(3) The case file number assigned to the application;

(4) A description of the development and its proposed location;

(5) If the permit is for an ADU or JADU, the date upon which the coastal development administrative permit will be acted on;

(6) If the permit will be reported to the Board of Supervisors, the date, time and place at which the application will be reported to the Board;

(7) A brief description of the general procedure concerning the conduct of local actions, including procedures for submission of public comment prior to the decision, and identification of a comment period of sufficient time to allow for submission of comments by mail prior to the decision;

(8) A full disclosure of the procedure(s) for local and Coastal Commission appeals, if such appeals are available, including any fee(s) that may be required.

(F) **Final Action.** A decision on a coastal development administrative permit application shall not be deemed complete until:

(1) The decision has been made and all required findings have been adopted, and

(2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.

(3) A decision on a coastal development administrative permit application for an ADU or JADU that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

(G) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

(1) The applicant;

(2) Any person who specifically requested, in writing, notice of such final action; and

(3) The Coastal Commission.

(4) The County Assessor.

(H) **Effective Date.** Decisions of the approving authority on an application for a development that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.015(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

Section 29: Section 20.544.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.544.010 - Administrative Appeals.

(A) Request for a hearing before the Planning Commission may be made by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services Department except for decisions by the Director or his/her designee on exemptions and coastal development ministerial permits for ADUs and JADUs or by the Coastal Permit Administrator on coastal development administrative permits for ADUs and JADUs. An administrative appeal may be made by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall 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 20.544.015.

(C) Notice shall be provided pursuant to Section 20.536.015.

Section 30: Section 20.544.015 of the Mendocino County Code is hereby amended to read as follows:

Section 20.544.015 - Coastal Permit Administrator and Planning Commission Appeal

(A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator, except for a decision on a coastal development administrative permit for an ADU or JADU**,** or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.

(B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.

(C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.

(D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable.

Section 31. CEQA. This ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17 which exempts local ordinances regulating construction of dwelling units and accessory dwelling units and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the County to the California Coastal Commission.

Section 32. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 33. Effective Date. This Ordinance of the County of Mendocino shall become effective upon action by the California Coastal Commission concurring with the Coastal Commission Executive Director's determination that this ordinance, as adopted, is consistent with the Coastal Commission's September 9, 2021 action certifying Local Coastal Program Amendment No. LCP-1-MEN-20-0021-1 (Accessory Dwelling Units) with Suggested Modifications.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 9th day of November, 2021 by the following roll call vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

_____
Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

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_____
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