

GLENN MCGOURTY
1st District
Supervisor

**MAUREEN
MULHEREN**
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor
Chair

TED WILLIAMS
5th District
Supervisor
Vice-Chair



COUNTY ADMINISTRATION CENTER
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MENDOCINO COUNTY
BOARD OF SUPERVISORS
BOARD OF SUPERVISORS AGENDA

AMENDED AGENDA
November 09, 2021 - 9:00 AM
BOARD CHAMBERS, ROOM 1070
COUNTY ADMINISTRATION CENTER

Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to Government Code section 54953(e)(1)(A)). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

The public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to bos@mendocinocounty.org, through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>

1. OPEN SESSION (9:00 A.M.)**1a) Roll Call****1b) Pledge of Allegiance****2. PROCLAMATIONS**

Items in this section are automatically adopted unless specifically pulled by a Supervisor. Proclamations may be presented or commented on as needed.

3. PUBLIC EXPRESSION

Members of the public are welcome to address the Board on items not listed on the agenda, but within the jurisdiction of the Board of Supervisors. The Board is prohibited by law from taking action on matters not on the agenda.

Individuals wishing to address the Board under Public Expression are welcome to do so via email, telephone, Zoom, or via voicemail message. For information on each of these methods, call Mendocino County Clerk of the Board at (707) 463-4441 or visit <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

*All correspondence will be attached to the item and made available online at:
<https://mendocino.legistar.com/Calendar.aspx>.*

3a) Public Expression**4. CONSENT CALENDAR**

The Consent Calendar is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed from the Consent Calendar for individual consideration.

See section at the end of this document for the full listing of Consent items.

5. COUNTY EXECUTIVE OFFICE AND DEPARTMENTAL MATTERS

5a) Discussion and Possible Action Including Acceptance of an Update Associated with the Novel Coronavirus (COVID-19); and Adoption of Resolution Finding That State or Local Officials Continue to Recommend Measures to Promote Social Distancing In Connection With Public Meetings

(Sponsor: Public Health)

Recommended Action:

Receive update regarding COVID-19 in Mendocino County and adopt Resolution finding that State or local officials continue to recommend measures to promote social distancing in connection with public meetings; authorize Chair to sign same.

Attachments: [Resolution](#)
 [Recommendation](#)
 [Health Officer Report](#)

5b) Discussion and Possible Action Including Acceptance of Presentation of the Adventist Health Community Well-Being Program
(Sponsor: Executive Office)

Recommended Action:

Accept presentation of the Adventist Health Community Well-being program.

Attachments: [Presentation](#)

5c) Discussion and Possible Action Including Conduction of Public Meeting with Members of the Mendocino County Community-Based Advisory Redistricting Commission (ARC) to Review Draft Maps Recommended by the ARC, Receive Input on Communities of Interest, and Identify Preferred Map(s) with any Requested Revisions in Compliance With Required Redistricting Criteria

(Sponsors: Executive Office and County Counsel)

Recommended Action:

Conduct public meeting with members of the Mendocino County community-based Advisory Redistricting Commission to review the draft maps recommended by the ARC, receive input on communities of interest, and identify the preferred map(s) with any requested revisions in compliance with required redistricting criteria.

Attachments: [ARC Recommended Map Draft 10](#)
 [ARC Recommended Map. Draft 9](#)

- 5d) Adoption of Resolution Approving Department of Transportation Agreement Number 210054, Professional Services Agreement with GEI Consultants, Inc., in the Amount of \$306,808, for the Term Starting Upon Execution of the Agreement through December 31, 2022, for the Re-Establishment of a Stand-Alone Mendocino County Water Agency (Countywide)
(Sponsor: Water Agency)**

Recommended Action:

Adopt resolution approving Department of Transportation Agreement Number 210054, Professional Services Agreement with GEI Consultants, Inc., in the amount of \$306,808, for the term starting upon execution of the agreement through December 31, 2022, for the re-establishment of a stand-alone Mendocino County Water Agency (Countywide); and authorize Chair to sign same.

Attachments: [Letter](#)
 [Resolution](#)
 [Agreement](#)

- 5e) Noticed Public Hearing - Discussion and Possible Action Including (1) Adoption of a Resolution Amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 (GP_2018-0003) to Establish Policies for Accessory Dwelling Units in the Coastal Zone of Mendocino County; and (2) Adoption of an 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 (OA_2018-0009), to Establish Regulations for Accessory Dwelling Units in the Coastal Zone (Sponsor: Planning and Building Services)**

Recommended Action:

(1) Adopt Resolution amending Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 (GP_2018-0003) to establish policies for Accessory Dwelling Units in the Coastal Zone of Mendocino County and authorize Chair to sign same; and (2) Adopt an 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 (OA_2018-0009), to establish regulations for Accessory Dwelling Units in the Coastal Zone; and authorize Chair to sign same.

Attachments: 0. OA 2018-0009.GP 2018-0003 Legal Notice (BOS 11-09-21)
2. BOS Memo- LCP Amendment for ADUs (11-09-21) FINAL
ATT 1. Coastal Element Amendment with redline modifications
ATT 2. Coastal Zoning Code Amendment with redline modification
ATT 3. PC Resolution PC2021-0012
ATT 4. BOS Resolution - GP 2018-0003 (11-09-21) FINAL
ATT 5. BOS Ordinance - OA 2018-0009 - FINAL - CLEAN
ATT 6. Coastal Commission Certification
ATT 7. 10-7-2021 PC packet
FINAL BOS PPT Presentation- LCP Amendment for ADUs (11-09-
Ordinance Summary - OA 2018-0009 - LCP Amendment for ADU:
Ordinance Summary - OA 2018-0009 - LCP Amendment for ADU:
Proof of Pub (UDJ) OA 2018-0009 & GP 2018-0003 (Coastal ADI
Proof of Pub (FBA) OA 2018-0009) & GP 2018-0003 (Coastal ADI
Proof of Pub (ICO) OA 2018-0009 & GP 2018-0003 (Coastal ADI

- 5f) Chief Executive Officer's Report
(Sponsor: Executive Office)**

Recommended Action:

Accept the Chief Executive Officer's report.

- 5g) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform
(Sponsor: Executive Office)**

Recommended Action:

Provide direction to staff on matters of legislation.

6. BOARD OF SUPERVISORS AND MISCELLANEOUS

- 6a) Discussion and Possible Action Including Presentation about the Restorative Justice Program at the Mendocino County Jail
(Sponsors: Supervisor Mulheren, Sheriff-Coroner and Probation)**

Recommended Action:

Accept presentation and provide direction to staff.

Attachments: [Presentation](#)

- 6b) Discussion and Possible Action Including Acceptance of Update from the Drought Task Force Ad Hoc Committee and Direction to Staff Regarding Contracting with Larry Walker Associates for Grant Writing Services for the Urban and Multi-Benefit Drought Relief Grant Program (Countywide)
(Sponsors: Drought Task Force Ad Hoc Committee of Supervisors McGourty and Haschak)**

Recommended Action:

Accept update from the Drought Task Force Ad Hoc Committee; and provide direction to staff regarding contracting with Larry Walker Associates for grant writing services for the Urban and Multi-Benefit Drought Relief Grant Program (Countywide).

- 6c) Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest**

7. BOARD OF DIRECTORS MATTERS

The Mendocino County Board of Supervisors meets concurrently as the Board of Directors of the: In-Home Supportive Services Public Authority Governing Board; Mendocino County Air Quality Management District; Mendocino County Public Facilities Corporation; and the Mendocino County Water Agency.

8. MODIFICATIONS TO AGENDA

Items added to the agenda subsequent to agenda publication, up to 72 hours in advance of the meeting, pursuant to Government Code section 54954.

8a) Adoption of Proclamation Recognizing November 11, 2021, as Veterans Appreciation Day in Mendocino County to Honor Our Veterans

Recommended Action:

Adopt the proclamation recognizing November 11, 2021, as Veterans Appreciation Day in Mendocino County and authorize the Chair to sign same.

Attachments: [Proclamation](#)

9. CLOSED SESSION

Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1.

- 9a) Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator - Agency Negotiators: Carmel J. Angelo and Cherie Johnson; Employee Organization(s): All**
- 9b) Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: One Case - County of Mendocino, et al. v. Amerisourcebergen Drug Corporation, et al. - Case No. 1:18-cv-02712**
- 9c) Pursuant to Government Code 54957 - Threat to Public Services or Facilities - Consultation with Heather Correll Rose**

10. COMMUNICATIONS RECEIVED AND FILED

Communications received and filed are retained by the Clerk throughout the Board proceedings. To review items described in this section, please contact the Executive Office staff in Room 1010.

10a) Communications Received and Filed**4. CONSENT CALENDAR - CONTINUED**

The Consent Calendar is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed from the Consent Calendar for individual consideration.

ITEMS RECOMMENDED FOR APPROVAL:

MINUTES**4a) Approval of Minutes of October 19, 2021 Regular Meeting****Recommended Action:**

Approve minutes of the October 19, 2021 regular meeting.

Attachments: [10-19-21 Minutes DRAFT](#)

4b) Approval of Minutes of October 26, 2021 Regular Meeting**Recommended Action:**

Approve minutes of the October 26, 2021 regular meeting.

Attachments: [10-26-21 Minutes DRAFT](#)

EXECUTIVE OFFICE

- 4c) Adoption of Resolution Approving an Allocation of \$558,957 in Funding, an Application for Funding, and the Execution of a Grant Agreement and Any Amendments Thereto from the 2019-2020 Funding Year of the CDBG-Mitigation (CDBG-Mit) Resilient Planning and Public Services Program**

Recommended Action:

Adopt Resolution approving an allocation of \$558,957 in funding, an application for funding, and the execution of a grant agreement and any amendments thereto from the 2019-2020 funding year of the CDBG-Mitigation (CDBG-Mit) Resilient Planning and Public Services Program; and authorize Chair to sign same.

Attachments: [Resolution](#)

[17MIT PPS Eligibility Notice Mendocino County CWPP](#)

[17MIT PPS Eligibility Notice Mendocino County Implementation F](#)

[17MIT PPS Eligibility Notice Mendocino County Implementation F](#)

[17MIT PPS Eligibility Notice Mendocino County HMP](#)

[17MIT PPS Eligibility Notice Mendocino County General Plan Sal](#)

- 4d) Approval of Agreement with LACO Associates to Increase the Amount of \$25,000 from Agreement EO-21-52 to \$50,000 to Provide Drought Technical Assistance Services Term Starting When Executed to June 30, 2022**

Recommended Action:

Approve agreement with LACO Associates to increase the amount of \$25,000 from Agreement EO-21-52 to \$50,000 to provide drought technical assistance services term starting when executed to June 30, 2022; and authorize Chair to sign same.

Attachments: [LACO Drought Assistance Amendment](#)
[Original Agreement](#)**BEHAVIORAL HEALTH AND RECOVERY SERVICES**

- 4e) Approval of Agreement with CliftonLarsonAllen in the Amount of \$6,000 to Perform a Financial and Compliance Audit to Determine Whether the Financial Statements of the Mental Health Oversight Committee Comply with the Expenditure Restrictions as Described in Chapter 5.180 of the Mendocino County Code Entitled the "Mental Health Treatment Act" During Each of the Periods: July 1, 2019 to June 30, 2020; July 1, 2020 to June 30, 2021; and July 1, 2021 to June 30, 2022; to be Funded by Measure B**

Recommended Action:

Approve Agreement with CliftonLarsonAllen in the amount of \$6,000 to perform a financial and compliance audit to determine whether the financial statements of the Mental Health Oversight Committee comply with the expenditure restrictions as described in Chapter 5.180 of the Mendocino County Code entitled the "Mental Health Treatment Act" during each of the periods: July 1, 2019 to June 30, 2020; July 1, 2020 to June 30, 2021; and July 1, 2021 to June 30, 2022; authorize the Behavioral Health Director to sign any future amendments to the Agreement that do not exceed the maximum amount authorized for a Department Head to sign pursuant to Policy 1 (\$25,000); and authorize Chair to sign same.

Attachments: [CliftonLarsonAllen LLP \\$6000 21-22 BHRS Agreement](#)

CANNABIS

- 4f) Approval of Submission of the Local Jurisdiction Assistance Grant Program Application; and Authorization for the Cannabis Program Manager, or Department Head, to Execute the Grant Agreement on Behalf of the County of Mendocino Should the Grant be Awarded**

Recommended Action:

Approve the submission of the Local Jurisdiction Assistance Grant Program application; and authorize the Cannabis Program Manager, or Department Head, to execute the grant agreement on behalf of the County of Mendocino should the grant be awarded.

Attachments: [11-05-21 MCA Correspondence](#)

CULTURAL SERVICES AGENCY

- 4g) Adoption of Proclamation Recognizing the Recipients of the 2021 Arts Champion Awards as Nominated by the Community and Selected by the Arts Council of Mendocino County: Black Oak Coffee Roasters, Business Champion; Gualala Arts, Arts Organization; Corine Pearce, Artist Champion; Larry R. Wagner, Individual Champion; Blake More, Educator Champion; and Honorable Mention: MEDIUM Gallery**

Recommended Action:

Adopt Proclamation recognizing the recipients of the 2021 Arts Champion Awards as nominated by the community and selected by the Arts Council of Mendocino County: Black Oak Coffee Roasters, Business Champion; Gualala Arts, Arts Organization; Corine Pearce, Artist Champion; Larry R. Wagner, Individual Champion; Blake More, Educator Champion; and Honorable Mention: MEDIUM Gallery

Attachments: [PROCLAMATION - Arts Champion Awards 2021](#)
 [2021 Arts Champions Press Release](#)
 [PROCLAMATION - Arts Champion Awards 2021](#)

- 4h) Authorization for the Museum to Offer Free Admission to Honor Groups on Specific Holidays or on an Alternate Open Day and on Special Event Days Coordinated with the Roots of Motive Power Organization**

Recommended Action:

Authorize the Museum to offer free admission to honor groups on specific holidays or on an alternate open day and on special event days coordinated with the Roots of Motive Power organization.

HUMAN RESOURCES

- 4i) Adoption of Resolution Amending the Position Allocation Table as Follows: Animal Care Services - Budget Unit 2860, Add 1.0 FTE Animal Control Assistant**

Recommended Action:

Adopt Resolution amending the Position Allocation Table as follows: Animal Care Services - Budget Unit 2860, Add 1.0 FTE Animal Control Assistant; and authorize Chair to sign same.

Attachments: [11.09.21 #21.1208 HR Amend PAT ACS BU 2860 Reso .docx](#)

- 4j) Adoption of Resolution Amending Position Allocation Table as Follows: Public Health Budget Unit 4010 - (Temporary Grant Funded) Add 1.0 FTE Program Administrator; 1.0 FTE Senior Department Analyst; 1.0 FTE Senior Program Specialist; Public Health - Environmental Health Budget Unit 4011: Add 1.0 FTE Senior Program Specialist; Delete 1.0 FTE Supervising Staff Assistant**

Recommended Action:

Adopt Resolution Amending Position Allocation Table as Follows: Public Health Budget Unit 4010 - (Temporary Grant Funded) Add 1.0 FTE Program Administrator; 1.0 FTE Senior Department Analyst; 1.0 FTE Senior Program Specialist; Public Health - Environmental Health Budget Unit 4011: Add 1.0 FTE Senior Program Specialist; Delete 1.0 FTE Supervising Staff Assistant; and authorize Chair to sign same.

Attachments: [11.09.21 #21.1210 HR Amend PAT PH BU 4010 and 4011 Reso.d](#)

- 4k) Adoption of Resolution Amending Position Allocation Table as Follows: Social Services Budget Unit 5010; Delete 2.0 FTE Department Information Systems Technician; 3.0 FTE Department Information Systems Analyst; Add 2.0 FTE Information Systems Technician II; 1.0 FTE Information Systems Specialist, 1.0 FTE Network Systems Analyst, 1.0 FTE Staff Assistant II; and Approving Reclassification of Incumbents, Including Y-Rating**

Recommended Action:

Adopt Resolution amending Position Allocation Table as follows: Social Services Budget Unit 5010; delete 2.0 FTE Department Information Systems Technician; 3.0 FTE Department Information Systems Analyst; add 2.0 FTE Information Systems Technician II; 1.0 FTE Information Systems Specialist, 1.0 FTE Network Systems Analyst, 1.0 FTE Staff Assistant II; and approving reclassification of incumbents, including Y-rating; and authorize Chair to sign same.

Attachments: [11.09.21 #21.1220 HR Amend PAT Dept IS Positions - Reclassific](#)

- 4l) Adoption of Resolution Amending Position Allocation Table as Follows: Public Health Budget Unit 4010, Delete 1.0 FTE Senior Program Specialist, Add 1.0 FTE Program Administrator; Alcohol and Other Drug Programs (SUDT) Budget Unit 4012, Add 1.0 FTE Program Administrator; Mental Health Services Act Budget Unit 4051, Delete 1.0 FTE Mental Health Clinical Manager; Mental Health (BHRS) Budget Unit 4050, Add 1.0 FTE Senior Program Manager**

Recommended Action/Motion:

Recommended Action:

Adopt Resolution amending Position Allocation Table as follows: Public Health Budget Unit 4010, delete 1.0 FTE Senior Program Specialist, add 1.0 FTE Program Administrator; Alcohol and Other Drug Programs (SUDT) Budget Unit 4012, add 1.0 FTE Program Administrator; Mental Health Services Act Budget Unit 4051, delete 1.0 FTE Mental Health Clinical Manager; Mental Health (BHRS) Budget Unit 4050, add 1.0 FTE Senior Program Manager; and authorize Chair to sign same.

Attachments: [11.09.21 #21.1222 HR Amend PAT PH BU 4012 and 4050 RESO.](#)

- 4m) Adoption of Resolution Amending Position Allocation Table as Follows: Transfers, Including Add/Deletes of Positions from Health and Human Services Agency Budget Unit 5020 to Social Services Budget Unit 5010, Mental Health Budget Unit 4050 and Public Health Budget 4010**

Recommended Action:

Adopt Resolution Amending Position Allocation Table as Follows: Transfers, including Adds/Deletes of Positions from Health and Human Services Agency Budget Unit 5020 to Social Services Budget Unit 5010, Mental Health Budget Unit 4050 and Public Health Budget 4010; and authorize Chair to sign same.

Attachments: [11.09.21 #21.1223 HR Amend PAT TRANSFER POSITIONS FRC](#)

- 4n) Adoption of Resolution Re-Establishing the Classification and Adopt Salary of Risk Manager \$89,897.60 - \$109,262.40/Annually; and Amending the Position Allocation Table as Follows: General Liability - Budget Unit 0713, Add 1.0 FTE Risk Manager; Delete 1.0 FTE Senior Risk Analyst**

Recommended Action:

Adopt Resolution re-establishing the classification and adopt salary of Risk Manager \$89,897.60 - \$109,262.40/annually; and amending the Position Allocation Table as follows: General Liability - Budget Unit 0713, add 1.0 FTE Risk Manager; delete 1.0 FTE Senior Risk Analyst; and authorize Chair to sign same.

Attachments: [11.09.21 #21.1209 HR Adopt Risk Manager Amend PAT BU 0713](#)
 [11.09.21 #21.1209 HR Adopt Risk Manager Class Spec.docx](#)

PLANNING AND BUILDING SERVICES

- 4o) Authorization of the Issuance of Administrative Coastal Development Permit No. CDP_2020-0026 (Blackmer), to Construct a 405 Square Foot Guest Cottage and Allow for Associated Vegetation Removal, Located at 32857 Leof's Lane, Fort Bragg (APN: 017-350-56)**

Recommended Action:

Authorize the issuance of Administrative Coastal Development Permit No. CDP_2020-0026 (Blackmer), to construct a 405 square foot guest cottage and allow for associated vegetation removal, located at 32857 Leof's Lane, Fort Bragg (APN: 017-350-56).

- Attachments:** [00. CDP 2020-0026 Blackmer BOS Public Notice \(Final\)](#)
 [01. CDP 2020-0026 Blackmer SR \(Final\)](#)
 [02. Combined Maps](#)

SHERIFF-CORONER

- 4p) Authorization to Purchase Tek84 Intercept Whole Body Scanner for the Mendocino County Jail in the Amount of \$163,040.31; and Addition of the Item to the County List of Fixed Assets**

Recommended Action:

Authorize the purchase of Tek84 Intercept Whole Body Scanner for the Mendocino County Jail in the amount of \$163,040.31; and add the item to the County List of Fixed Assets; and authorize Chair to sign same.

- Attachments:** [Tek84 Intercept Whole Body Scanner Quote.pdf](#)
 [Fixed Asset Request Tek84 Intercept Whole Body Scanner.pdf](#)

TRANSPORTATION

- 4q) Adoption of Resolution Adopting California Department of Fish And Wildlife's Aquatic Invasive Species Disinfection/Decontamination Protocols for Mill Creek Ponds (Talmage Area)**

Recommended Action:

Adopt resolution adopting California Department of Fish And Wildlife's Aquatic Invasive Species Disinfection/Decontamination Protocols for Mill Creek Ponds (Talmage Area); and authorize Chair to sign same.

- Attachments:** [Resolution](#)
 [Attachment A - Mill Creek Ponds AIS Protocol](#)
 [CDFW AIS Disinfection/Decontamination Protocol](#)

- 4r) Adoption of Resolution Approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170060, 2017 Storm Damage Repairs on Comptche Ukiah Road, County Road 223, Milepost 17.25 (Comptche Area)**

Recommended Action:

Adopt Resolution approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170060, 2017 Storm Damage Repairs on Comptche Ukiah Road, County Road 223, milepost 17.25 (Comptche Area); and authorize Chair to sign same.

Attachments: [Memo](#)
 [Resolution](#)
 [Notice of Completion](#)

- 4s) Adoption of Resolution Approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170063, 2017 Storm Damage Repairs on Orr Springs Road, County Road 223, Milepost 36.84 (Ukiah Area)**

Recommended Action:

Adopt Resolution approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170063, 2017 Storm Damage Repairs on Orr Springs Road, County Road 223, milepost 36.84 (Ukiah Area); and authorize Chair to sign same.

Attachments: [Memo](#)
 [Resolution](#)
 [Notice of Completion](#)

- 4t) Authorization to Fund Work Under Department of Transportation Agreement Number 190035/ Board of Supervisors Agreement Number 19-270, an Agreement with HDR Engineering, Inc., for General Solid Waste Consulting Services, using Caspar Transfer Station Rent Funds in an Amount Not-to-Exceed \$26,915, to Perform a Preliminary Financial and Environmental Analysis for Two Potential Central Coast Transfer Stations Sites (Fort Bragg Area)**

Recommended Action:

Authorize to fund work under Department of Transportation Agreement Number 190035/ Board of Supervisors Agreement Number 19-270, an Agreement with HDR Engineering, Inc., for General Solid Waste Consulting Services, using Caspar Transfer Station rent funds in an amount not-to-exceed \$26,915, to perform a preliminary financial and environmental analysis for two potential Central Coast Transfer Stations sites (Fort Bragg Area)

Attachments: [Mendocino County Central Coast Transfer Station Analysis](#)

ADJOURNMENT**Additional Meeting Information for Interested Parties**

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For a complete list of the latest available options by which to engage with agenda items, please visit <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>

All public comment will be available to the Supervisors, staff, and the general public, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>

LIVE WEB STREAMING OF BOARD MEETINGS is available at <https://mendocino.legistar.com> or visit the Mendocino County YouTube channel. Meetings are also livestreamed from the Mendocino County Facebook page. For technical assistance, please contact the Clerk of the Board at (707) 463-4441. Please reference the departmental website to obtain additional resource information for the Board of Supervisors: www.mendocinocounty.org/bos.

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors.



Mendocino County Board of Supervisors **Agenda Summary**

Item #: 3a)



Mendocino County Board of Supervisors Agenda Summary

Item #: 5a)

To: Board of Supervisors

From: Public Health

Meeting Date: November 9, 2021

Department Contact: Andrew Coren, M.D. Public
Health Officer

Phone: 472-2789

Item Type: Regular Agenda

Time Allocated for Item: 20 minutes

Agenda Title:

Discussion and Possible Action Including Acceptance of an Update Associated with the Novel Coronavirus (COVID-19); and Adoption of Resolution Finding That State or Local Officials Continue to Recommend Measures to Promote Social Distancing In Connection With Public Meetings
(Sponsor: Public Health)

Recommended Action/Motion:

Receive update regarding COVID-19 in Mendocino County and adopt Resolution finding that State or local officials continue to recommend measures to promote social distancing in connection with public meetings; authorize Chair to sign same.

Previous Board/Board Committee Actions:

On March 10, 2020, the Board of Supervisors ratified the Local Emergency related to 2019 Novel Coronavirus (COVID-19) as proclaimed by the Chief Executive Officer/Director of Emergency Services and ratified the Existence of a Local Health Emergency as Proclaimed by the Health Officer on March 4, 2020. The Board has continued to receive regular updates on the status of COVID-19 in Mendocino County. Since that time, the Board of Supervisors has received update during each meeting related to COVID-19.

Summary of Request:

Mendocino County Public Health has been actively responding to the threat of COVID-19 since early January 2020. On March 4, 2020, Mendocino County declared a local health emergency due to the COVID-19 pandemic, with the Mendocino County Health Officer issuing multiple Health Orders.

As a result of the imminent threat presented to Mendocino County's public health due to COVID-19, staff will be available to address Board of Supervisors questions related to the following topics as needed:

- Health Officer Briefing (Dr. Andrew Coren)
-

Pursuant to new legislation (AB 361), the Board is required to reconsider the circumstances of the emergency and make a finding of whether state or local officials continue to recommend social distancing measures. This finding must be renewed every thirty (30) days if any member(s) of the Board of Supervisors will be participating from a location not open to the public. Mendocino County Health Officer Dr. Andrew Coren

Item #: 5a)

made such a recommendation on September 29, 2021, which continues to be in place as of the time of agenda publication.

Alternative Action/Motion:

No action.

Does This Item Support the General Plan? yes

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At:

[<https://www.mendocinocounty.org/community/novel-coronavirus>](https://www.mendocinocounty.org/community/novel-coronavirus)

[<https://www.mendocinocounty.org/community/novel-coronavirus/health-order>](https://www.mendocinocounty.org/community/novel-coronavirus/health-order)

[<https://www.mendocinocounty.org/community/novel-coronavirus/covid-19-news>](https://www.mendocinocounty.org/community/novel-coronavirus/covid-19-news)

State of California COVID-19 Resources: [<https://covid19.ca.gov/roadmap/>](https://covid19.ca.gov/roadmap/)

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Darcie Antle, Assistant CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered

to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item **Number:**

RESOLUTION _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO FINDING THAT STATE OR LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING IN CONNECTION WITH PUBLIC MEETINGS

WHEREAS, all meetings of the Mendocino County Board of Supervisors and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists due to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), pursuant to the California Emergency Services Act (Government Code section 8625) and that State of Emergency is still in effect in the State of California; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution the state Legislature; and

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(c)(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and

WHEREAS, the Mendocino County Public Health Officer continues to recommend teleconferencing during public meetings of all legislative bodies to protect the community's health against the spread of COVID-19, based in part on the continued increased safety protection that physical/social distancing provides as one means by which to reduce the risk of COVID-19 transmission; and

WHEREAS, the Mendocino County Board of Supervisors finds that state or local officials have imposed or recommended measures to promote social distancing based on the Mendocino County Public Health Officer recommendation and the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(c)(5)(D); and

WHEREAS, as a consequence, the Mendocino County Board of Supervisors does hereby find that current conditions meet the circumstances set for in Government Code section 54953(e)(3) to allow this legislative body to conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative body shall comply with the requirements to provide the public with access to the

meetings as prescribed by Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE, BE IT RESOLVED by the Mendocino County Board of Supervisors, as follows:

SECTION 1. RECITALS.

All of the above recitals are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. STATE OR LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING IN CONNECTION WITH PUBLIC MEETINGS.

The Mendocino County Board of Supervisors finds that State or local officials continue to recommend measures to promote social distancing pursuant to Government Code section 54953(e)(3) to allow legislative bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

SECTION 3. REMOTE TELECONFERENCE MEETINGS.

The Mendocino County Board of Supervisors is hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

SECTION 4. EFFECTIVE DATE.

This Resolution shall take effect immediately upon its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mendocino County Board of Supervisors, that this finding is also made by the Mendocino County Board of Supervisors in its capacity and the governing Board of the Mendocino County Water Agency, the Board of Directors of the of the Mendocino County Air Quality Management District, and each and every other such body for which the Board of Supervisors is the ex officio governing body.

The foregoing Resolution introduced by _____, seconded by _____, and carried this _____ of _____ 2021, by the Mendocino County Board of Supervisors, by the following vote:

AYES:

NO:

ABSENT:

ABSTAIN:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

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



**Public Health Department
of Mendocino County**

Healthy People, Healthy Communities

Andy Coren, MD, County Health Officer



Recommendation Regarding Continued Remote Public Meetings of Governmental Bodies

September 29, 2021

In light of the continued state of emergency related to COVID-19, as the County Health Officer, I recommend that public bodies continue to meet remotely to the extent possible.

This recommendation is made due to the continued threat of COVID-19 to this community with the ongoing surge in cases and deaths experienced since the Labor Day holiday, the current county vaccination rate, and a concern for continued risk during the upcoming holidays. Additionally, I make this recommendation based on the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing people together from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in such governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that physical/social distancing provides as one means by which to reduce the risk of COVID-19 transmission.

Therefore, I strongly recommend teleconferencing through online meetings as this type of meeting presents the lowest risk of transmission of SARS-CoV-2, and allows for the participation of the community, local agency staff, presenters, and local agency governing bodies in a safe environment, with no risk of contagion.

I will continue to evaluate this recommendation on an ongoing basis, paying particular attention to the pandemic stage of our community. I will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

A handwritten signature in blue ink, appearing to read "Howard A. Coren".

Dr. Howard A. Coren, M.D.,
Mendocino County Health Officer

Dated: September 29, 2021



Public Health Department Mendocino County

Healthy People, Healthy Communities



H. Andrew Coren, MD
Public Health Officer

Anne C. Molgaard, JD
Transition Director

DATE: 11-03-2021
TO: Board of Supervisors, Mendocino County
FROM: H. Andrew Coren, MD, Health Officer
SUBJECT: COVID-19 Update – data edited 11/03/21

Mendocino County's **testing positivity** rate has increased to **6.3%, with testing rates at 387/100,000/day**. New **daily case** average is 50% higher than 2 weeks ago: **20.5 day/100,000**. There are currently **8 Mendocino residents in Mendocino hospitals**. One more is from out-of-County. Two Mendocino residents are in out-of-county hospitals for a higher level of care. We have 3 COVID patients in our County Intensive Care Units, but only **1 staffed ICU bed available today (11/3/21)**.

Total COVID cases are now 7,724; of these **2,856** are Hispanic (disproportionately high)
89 Mendocino residents have passed away, 3 more than 3 wks ago.

Testing is ongoing but we would be in better shape with more testing to contain this pandemic.

Drop boxes are set up at the Public Health offices in Ft Bragg, Willits, and Ukiah for PCR tests to be sent to state lab. This saves time and money for the schools and clinics.

Monoclonal antibodies in Mendocino are being administered at AHUV, AHMC and Round Valley Indian Health Center, at a rate of about 12 per week total for the whole county. These must be administered to mildly symptomatic people with increased risk within 10 (preferably 7) days of symptom onset.

Outbreaks are resolving; in one Skilled Nursing Home (Redwood Cove), and one Hospital (AHUV) and Round Valley numbers are much lower, with days of no new cases. Sherwood Oaks outbreak is resolved.

Vaccines: Moderna and J&J boosters have been approved in addition to Pfizer. We are giving or confirming vaccination plans for our SNFs, Long Term Care and smaller residential facilities. The uptake of 3rd **doses** and **Boosters** in Mendocino and the State has been less than expected.

Vaccines for 5-11 year olds should be approved by CDPH by 11/5/21. We have received some of the doses (a smaller dose than adults receive). Children under 12 can receive vaccinations from their regular health care provider, FQHCs, and pharmacies. In addition, Public Health is organizing clinics at some elementary schools upon a school district's request.

As of November 3, 2021 **116,637 total doses** have been administered to 81.6% of those over 12 years: This is **72.5%** of eligible (over 12 years old) are **fully vaccinated**. This number will decrease (by about 7%) after 11/10/21 as those from 5-11 years old are added to the denominator. From an Equity perspective, our least resourced, Quartile 1 have 80.8% fully vaccinated. In Quartile 2 only 68.7% are fully vaccinated. Hispanic vaccination rates is 60.2% fully vaccinated and the non-Hispanic white population is 68.6%. This disparity between Hispanics and non-Hispanic whites is decreasing. The uptake in all age groups is increasing-but very slowly. Those between 18-49 years old less vaccinated than the state, while vaccination rates of those over 50 years old exceed the state averages. Our regular vaccine events at the Fairgrounds in Ukiah and at Public Health in Willits and Ft Bragg are going well. We are making flu vaccines available at these sites. Vaccines are also available through the FQHCs, Rural and Hospital clinics and pharmacies.

In summary, after the decline of Delta, we are seeing a **new wave**. To prevent a surge, we must encourage more vaccines, including primary series, 3rd doses, boosters and now for children (5-11 years old).



Mendocino County Board of Supervisors Agenda Summary

Item #: 5b)

To: Board of Supervisors

From: Executive Office

Meeting Date: November 9, 2021

Department Contact: Darcie Antle

Phone: 463-4441

Item Type: Regular Agenda

Time Allocated for Item: 45 minutes

Agenda Title:

Discussion and Possible Action Including Acceptance of Presentation of the Adventist Health Community Well-Being Program
(Sponsor: Executive Office)

Recommended Action/Motion:

Accept presentation of the Adventist Health Community Well-being program.

Previous Board/Board Committee Actions:

None.

Summary of Request:

Community Well-Being reaches beyond the walls of a hospital to build and sustain a community's quality of life. Adventist Health strategically invests in our community benefit resources, collaborates and partners to design, leverage and demonstrate evidence-based solutions that transform the well-being of people, well-being of places and equity.

Adventist's solution for transformation is to create a repeatable, sustainable model of well-being that measurably impacts the well-being of people, well-being of places and equity.

Success is measured by the Well-Being In the Nation (WIN) index, which shows connections between social conditions, health, community, and well-being.

- Well-being of People: Well-Being of People is both how people feel about their lives and how long they are likely to live. Health, security, prosperity, sense of connection, and purpose all play a role in well-being.
- Well-being of Places: Well-Being of Places is about whether a community is flourishing and the people within it have the vital conditions needed to thrive.
- Equity: Equity is about just and fair inclusion into a society in which all have a fair chance to participate, prosper, and reach their full potential.

Alternative Action/Motion:

Item #: 5b)

Do not accept presentation and provide direction to staff.

How Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At:

[<https://www.adventisthealth-cwb.org/well-being-division/>](https://www.adventisthealth-cwb.org/well-being-division/)

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Darcie Antle, Assistant CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered

to Auditor? Choose an item.


Final Status:Item Status

Executed Item Type: item **Number:**



Community Well-Being

November 9, 2021



PURPOSE: To empower
everyone, everywhere
to live better, longer

VISION: To create a time
when well-being is
accessible to everyone



Health Disparities

Workforce Development

[ADVENTISTHEALTH:INTERNAL]

Faculty Introductions

PROGRAM DIRECTOR

Sara Bogner, MS PT

Sara Bogner has been a physical therapist in Ukiah and other Northern California areas for the past 19 years. She graduated from University of Oregon with a BS in Exercise and Movement Science and then attended PT school at Regis University in Denver, CO. She has worked with a wide variety of patients in almost every PT setting out there. She began teaching Anatomy at Mendocino College in 2016 and has been instrumental in the development of the Physical Therapist Assistant Program. Sara loves the energy and enthusiasm of students and is excited to be able to help them reach their educational goals. If she's not in her office or classroom, you can probably find her chasing around her three kids or running on the track, streets or hills of Ukiah.



DIRECTOR OF CLINICAL EDUCATION

Joseph Munoz, PT, DPT

Joe Munoz has been a practicing Physical Therapist for nearly 15 years now and has lived in the Ukiah area since 2004. He received his Bachelor of Science in Biology from CSU Bakersfield and then received his Doctorate of Physical Therapy from Loma Linda University. Joe is excited about the PTA program and the opportunity to help individuals pursue a career of service to others in a profession that has given him so much. He has primarily worked in the outpatient setting at Adventist Health Ukiah Valley dealing with orthopedic pathologies, post-surgical rehabilitation, sports related injuries, work related injuries and neurological conditions. When not in the clinic, you will find Joe spending time with his family and on the soccer field coaching the youth of Mendocino County.



Accreditation Status

Effective October 29, 2019, the Mendocino College PTA Program has been granted Candidate for Accreditation status by the Commission on Accreditation in Physical Therapy Education (1111 North Fairfax Street, Alexandria, VA, 22314; phone: 703.706.3245; email: accreditation@apta.org). If needing to contact the program/institution directly, please call 707.467.1062 or email sbogner@mendocino.edu.

Candidate for Accreditation is an accreditation status of affiliation with the Commission on Accreditation in Physical Therapy Education that indicates the program may matriculate students in technical/professional courses. Achievement of Candidate for Accreditation status does not assure that the program will be granted Initial Accreditation.

CAPTE

1111 North Fairfax Street, Alexandria, VA 22314
703.706.3245; accreditation@apta.org

MENDOCINO COLLEGE

Physical Therapy Assistant Program

Dean of Applied Academics

Dennis Aseltine
daseltine@mendocino.edu • 707.468.3234

Program Director

Sara Bogner, PT, MS PT • sbogner@mendocino.edu

Director of Clinical Education

Joseph Munoz, PT DPT • jmunoz@mendocino.edu

1000 Hensley Creek Road, Ukiah, CA 95482
707.467.1062 • www.mendocino.edu/pta

MENDOCINO COLLEGE

PHYSICAL THERAPIST ASSISTANT PROGRAM



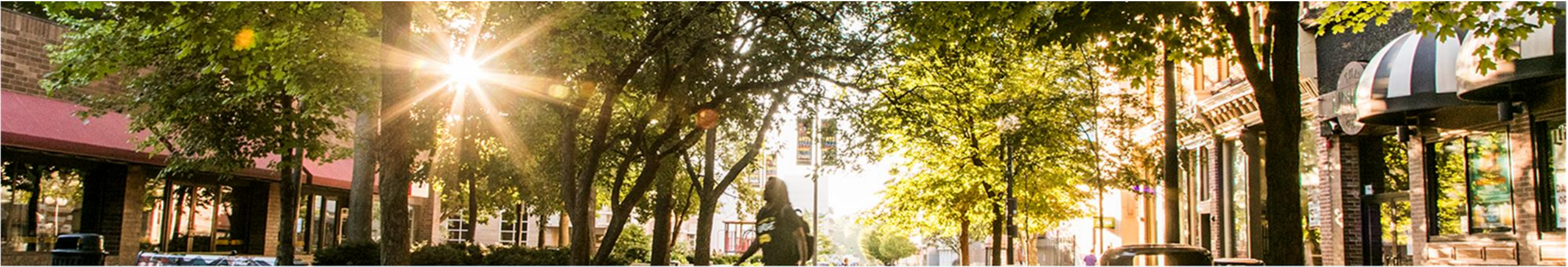
*An exciting new career path
at Mendocino College!*



www.mendocino.edu/pta

Blue Zones Project Mendocino County

Timeline



ASSESSMENT & DEVELOPMENT

- Preliminary community assessment (2-day visit)
- Focus groups, 1:1's
- Presentations
- Sponsor identification and ROI analysis
- Identify volunteers and talent to support project roles

FOUNDATION (9 months)

- Community Input & Discovery
- Well-Being Measurement
- Coalition Building
- Training
- Blueprint Development
- Volunteer Mobilization

TRANSFORMATION: 5-10 years (4 years)

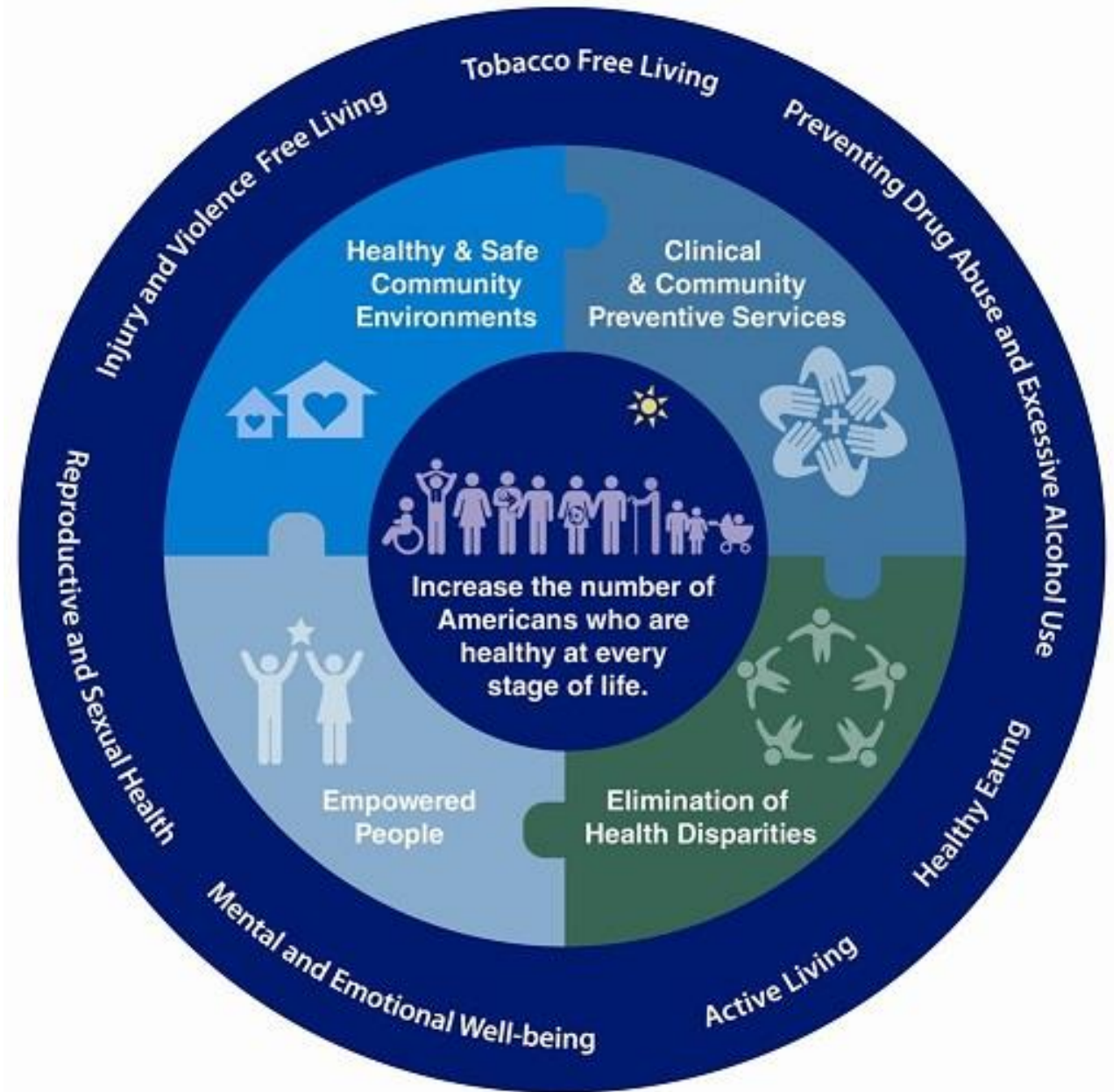
- Implement Blueprint
- Engage people and places
- Impact policy to drive environmental change
- KPIs reported on annual basis

CERTIFICATION + SUSTAINABILITY + EVOLUTION

- Celebrate!
- Create and implement sustainable blueprint
- Continue impacting well-being in the community
- Showcase outcomes using Community Well-Being Index

Mendocino County Well-Being Programs

- Tobacco Control Program
- Safe Rx Mendocino
- Drug Free Communities
- Substance Use Disorder Treatment Programs
- Nutrition Education and Obesity Prevention
- Public Health Nursing Home Visiting Program
- Healthy Families Mendocino County
- Women, Infants & Children Nutrition Program



Source: <https://www.mendocinocounty.org/government/health-and-human-services-agency/public-health/prevention-programs>

ACEs in California

ACEs = Adverse Childhood Experiences

The 3 types of ACEs include

ABUSE



Physical



Emotional



Sexual

NEGLECT



Physical



Emotional

HOUSEHOLD DYSFUNCTION



Mental Illness



Incarcerated Relative



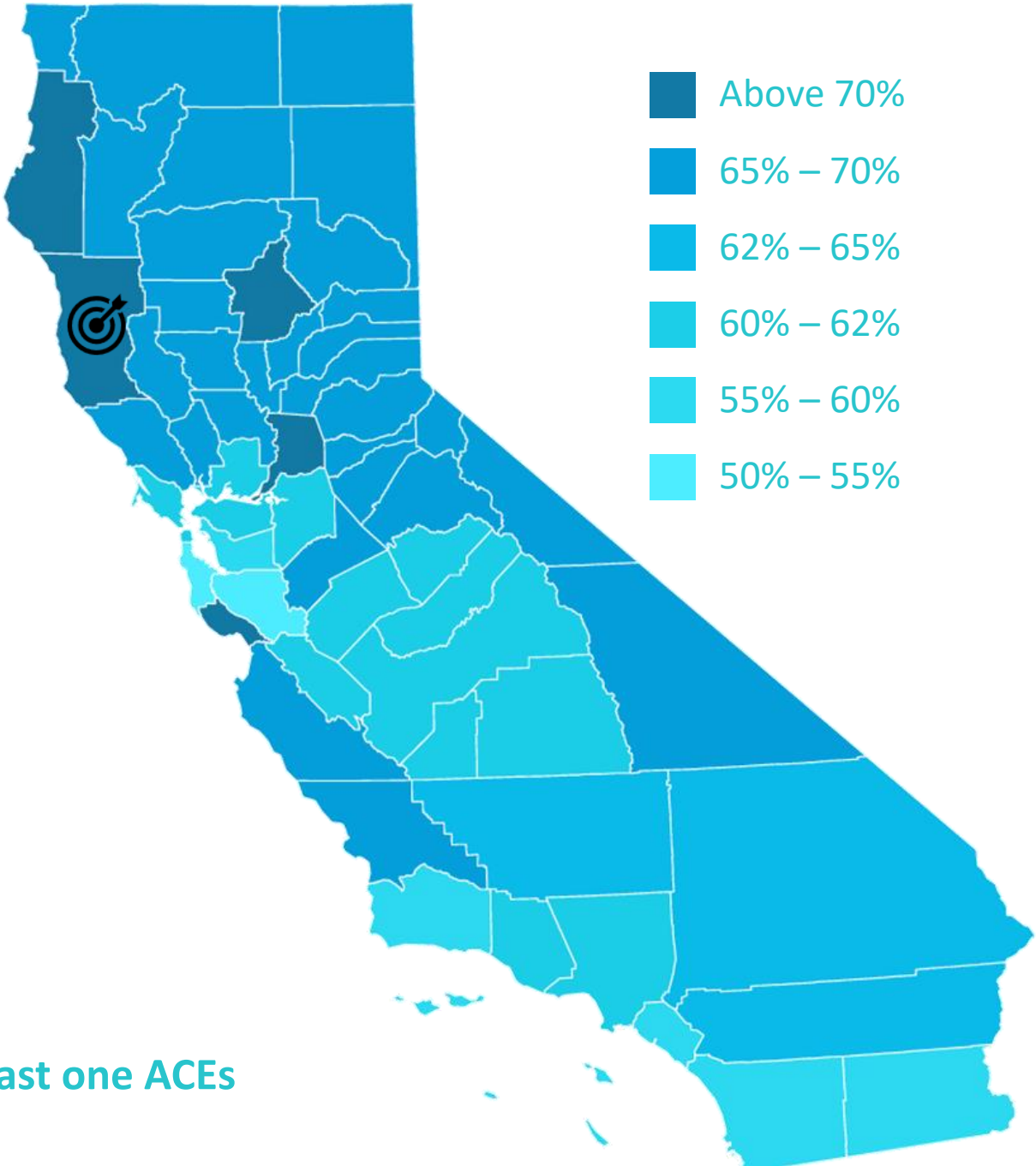
Abuse toward Parent



Substance Abuse

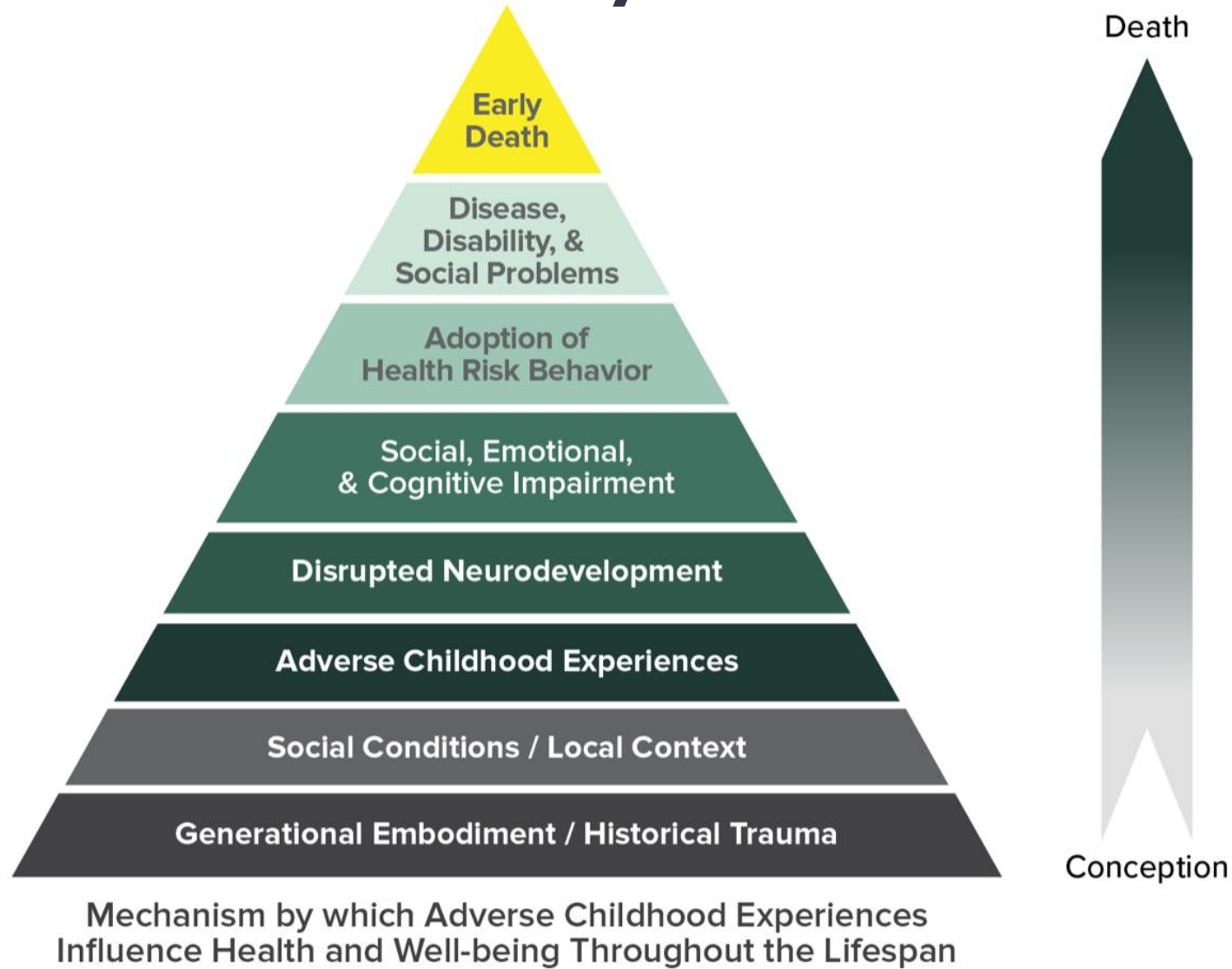


Divorce



75% of Mendocino County adults have had at least one ACEs

The ACEs Pyramid

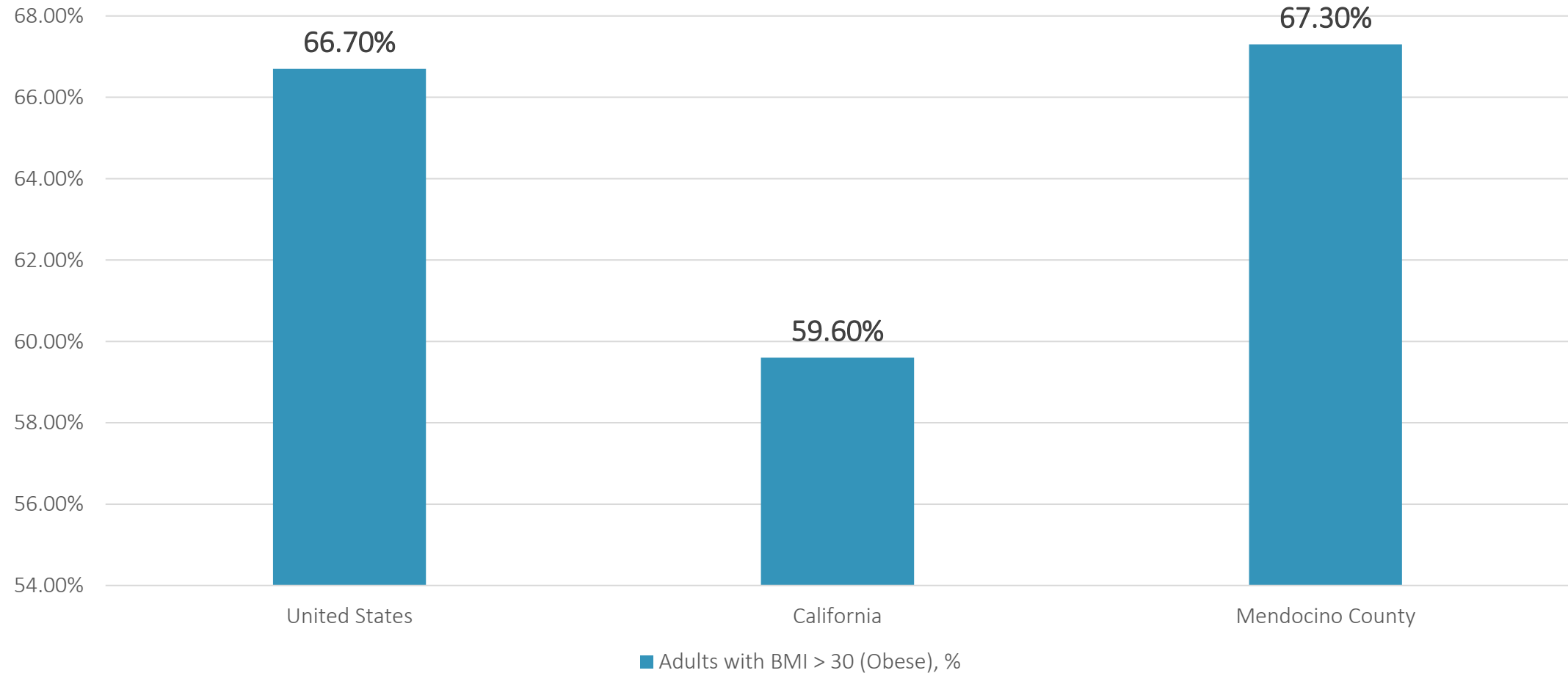


Source: Centers for Disease Control and Prevention, Violence Prevention, CDC-Kaiser ACE Study, The ACE Pyramid, <https://www.cdc.gov/violenceprevention/aces/about.html>



Mendocino County – Overweight or Obese

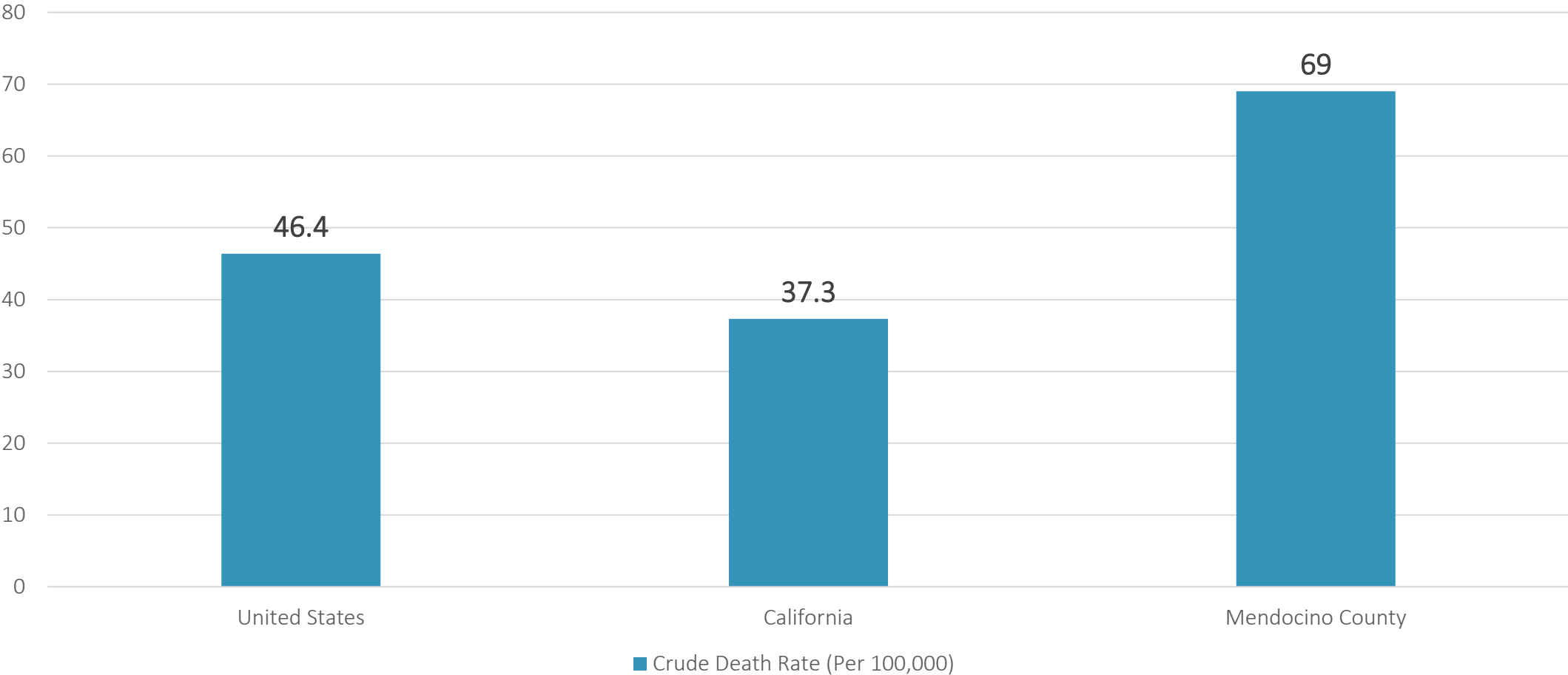
% of Obese Adults, 2019



Source: California Health Interview Survey, 2019

Mendocino County – Deaths of Despair

Crude Death Rate, Deaths of Despair, 2015-2019



Source: Centers for Disease Control and Prevention, National Vital Statistics System



Improving Access to Care



Expanded Behavioral Health Services





Request

Mendocino County Board of Supervisors form an Ad Hoc Community Well-Being Committee to define how the County and Adventist Health can partner to make well-being accessible to everyone in Mendocino County.



Mendocino County Board of Supervisors Agenda Summary

Item #: 5C)

To: Board of Supervisors

From: Executive Office and County Counsel

Meeting Date: November 9, 2021

Department Contact: Cherie Johnson

Phone: 707-463-4441

Department Contact: Charlotte Scott

Phone: 707-234-6885

Item Type: Regular Agenda

Time Allocated for Item: 90 mins

Agenda Title:

Discussion and Possible Action Including Conduction of Public Meeting with Members of the Mendocino County Community-Based Advisory Redistricting Commission (ARC) to Review Draft Maps Recommended by the ARC, Receive Input on Communities of Interest, and Identify Preferred Map(s) with any Requested Revisions in Compliance With Required Redistricting Criteria
(Sponsors: Executive Office and County Counsel)

Recommended Action/Motion:

Conduct public meeting with members of the Mendocino County community-based Advisory Redistricting Commission to review the draft maps recommended by the ARC, receive input on communities of interest, and identify the preferred map(s) with any requested revisions in compliance with required redistricting criteria.

Previous Board/Board Committee Actions:

On July 19, 2021, the Board of Supervisors voted to establish a five member community-based Advisory Redistricting Commission and directed staff to solicit applications from the public; on August 17, 2021, the Board of Supervisors selected the five member community-based Advisory Redistricting Commission (ARC); on September 14, and October 26, 2021 the Board of Supervisors conducted a public workshop with the Mendocino County community-based Advisory Redistricting Commission; the ARC has conducted five additional public workshops (September 1, September 7, September 30, October 7, October 20) and has two additional public workshops scheduled to occur before the November 9th Board of Supervisors meeting.

Summary of Request:

Redistricting is a process that takes place every ten years, when census data becomes available. On August 17, 2021, the Board of Supervisors appointed a five member community-based Advisory Redistricting Committee (ARC). The ARC assists the Board in conducting community outreach by facilitating community outreach, identifying communities of interest from public input and provide recommendations on the placement of the County supervisorial district boundaries to the Board of Supervisors. The ARC has held 6 public workshops thus far which included 1 Brown Act/Redistricting Overview Training, Election of Chair/Vice Chair and 5 Public Outreach Workshops, with two more scheduled prior to the November 9 Board of Supervisors meeting. Through this public meeting, the Board will review the 2-4 draft maps recommended by the ARC for consideration by the Board of Supervisors and will to identify the preferred map with any requested revisions

Item #: 5c)

in compliance with redistricting criteria. The Board will also receive continued public input on communities of interest and preferred district boundaries.

Alternative Action/Motion:

Do not receive presentation; provide direction to Commission and Staff

How Does This Item Support the General Plan? This item is consistent with the General Plan as the General plan calls for creating defined boundaries for each community.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Darcie Antle, Assistant CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

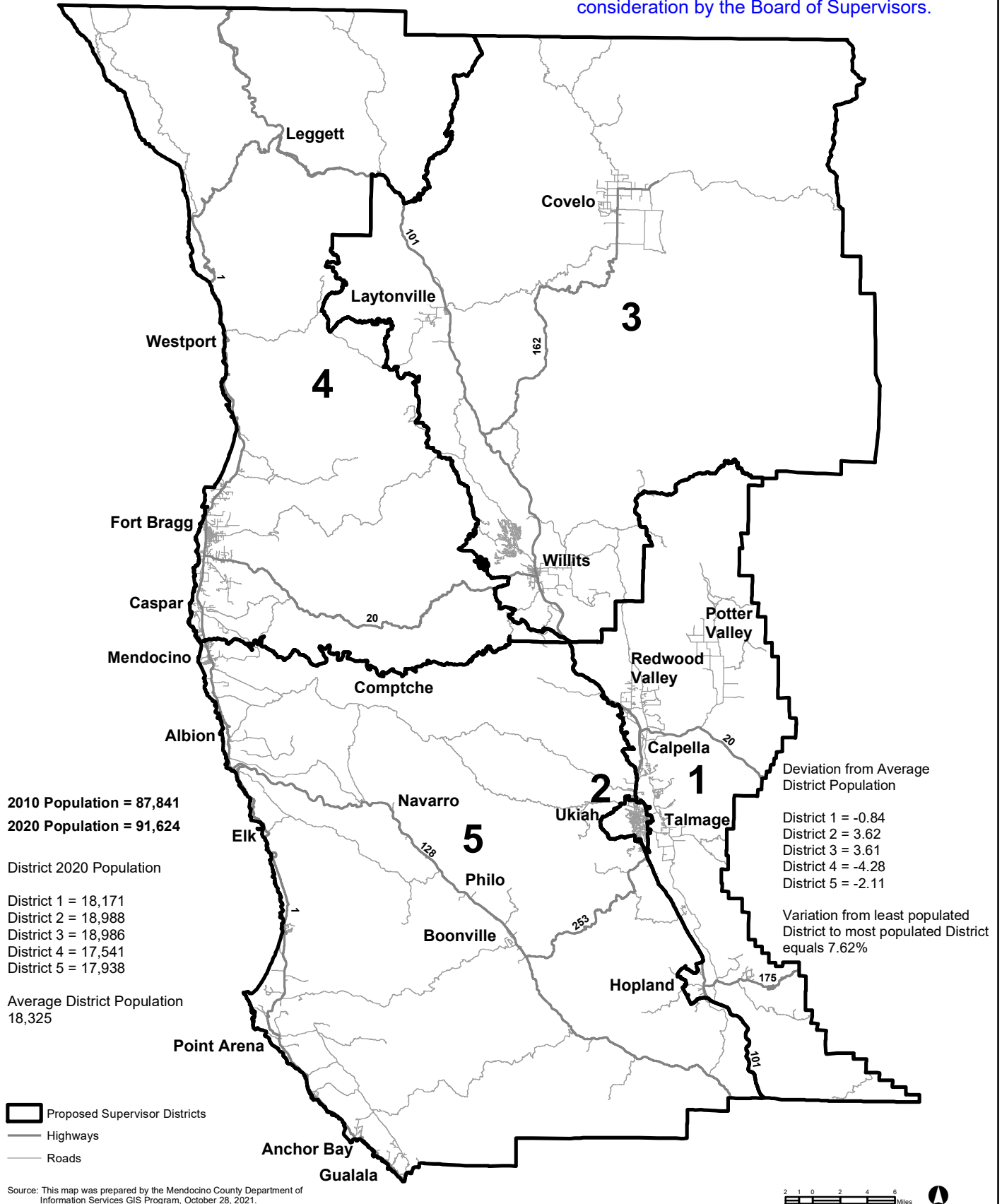
Executed Item Type: item **Number:**

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered to Auditor?** Choose an item.

Draft 10

This map was reviewed by the Advisory Redistricting Commission (ARC) during the November 3, 2021, public meeting. Draft Map 10 is the first of two Draft Maps recommended by the ARC on November 3, 2021, for consideration by the Board of Supervisors.



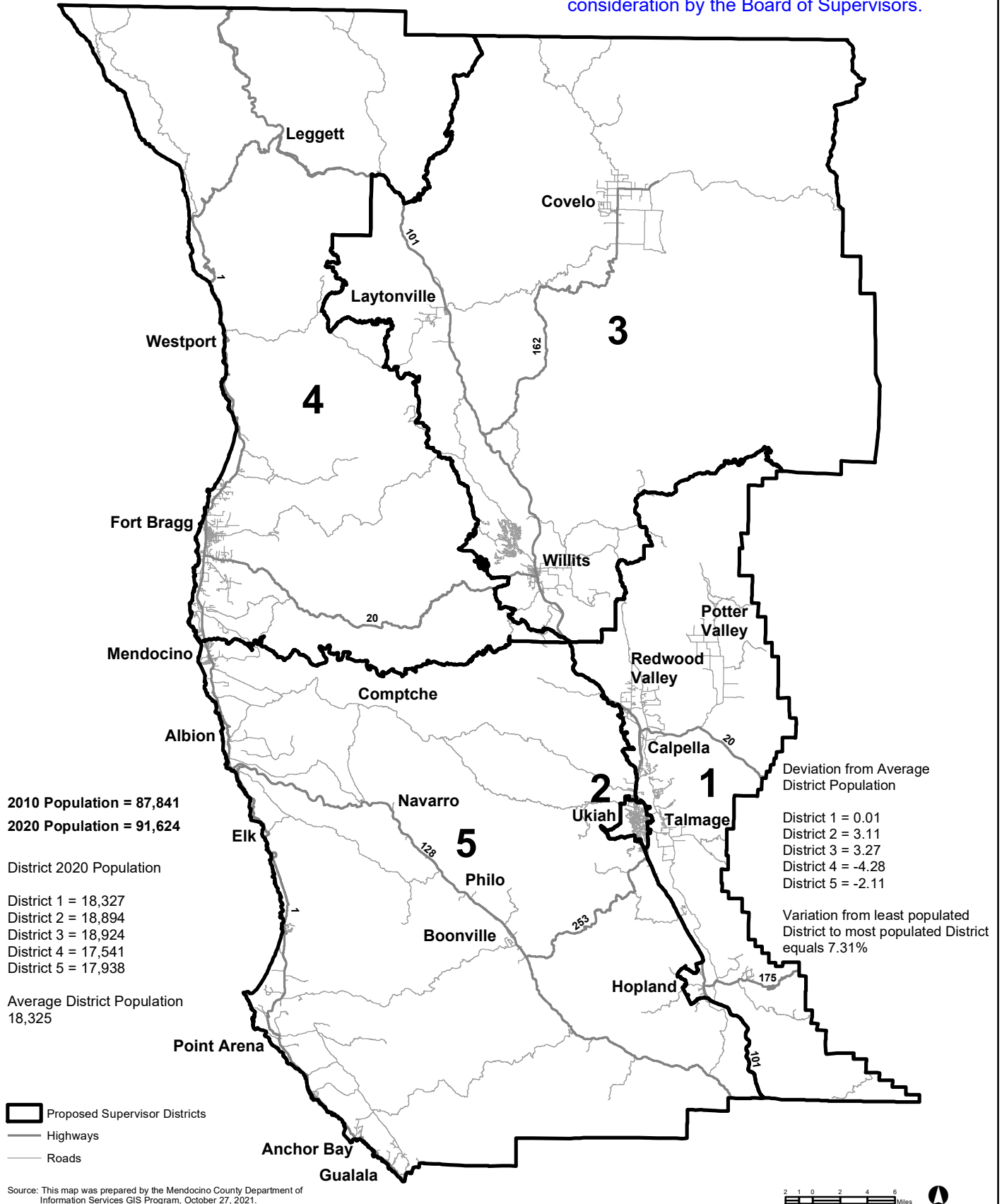
State Adjusted 2019 American Community Survey Citizen Voting Age Population, Draft 10

| District | Total Population 18+ | Hispanic 18+ | Not Hispanic 18+ | NH White 18+ | NH Black 18+ | NH America Indian 18+ | NH Asian 18+ | NH Hawaiian 18+ | Two or More Race 18+ |
|-----------------|-----------------------------|---------------------|-------------------------|---------------------|---------------------|------------------------------|---------------------|------------------------|-----------------------------|
| 1 | 12138 | 1625 | 10471 | 9339 | 82 | 449 | 292 | 0 | 187 |
| 2 | 11684 | 2782 | 8914 | 7792 | 204 | 204 | 333 | 0 | 319 |
| 3 | 13030 | 1347 | 11679 | 9997 | 82 | 1005 | 106 | 40 | 443 |
| 4 | 12746 | 1099 | 11635 | 10750 | 65 | 201 | 182 | 15 | 373 |
| 5 | 12649 | 1617 | 11042 | 10166 | 78 | 364 | 248 | 49 | 146 |

****This data is based on the ACS 5 year estimates as required by California Elections Code section 21508(d)(2)****

Draft 9

This map was reviewed by the Advisory Redistricting Commission (ARC) during the October 27, 2021, public meeting. Draft Map 9 is the second of two Draft Maps recommended by the ARC on November 3, 2021, for consideration by the Board of Supervisors.



State Adjusted 2019 American Community Survey Citizen Voting Age Population, Draft 9

| District | Total Population 18+ | Hispanic 18+ | Not Hispanic 18+ | NH White 18+ | NH Black 18+ | NH America Indian 18+ | NH Asian 18+ | NH Hawaiian 18+ | Two or More Race 18+ |
|-----------------|-----------------------------|---------------------|-------------------------|---------------------|---------------------|------------------------------|---------------------|------------------------|-----------------------------|
| 1 | 12236 | 1679 | 10511 | 9369 | 92 | 451 | 292 | 0 | 191 |
| 2 | 11633 | 2743 | 8905 | 7787 | 194 | 204 | 333 | 0 | 318 |
| 3 | 12983 | 1332 | 11648 | 9972 | 82 | 1003 | 106 | 40 | 440 |
| 4 | 12746 | 1099 | 11635 | 10750 | 65 | 201 | 182 | 15 | 373 |
| 5 | 12649 | 1617 | 11042 | 10166 | 78 | 364 | 248 | 49 | 146 |

****This data is based on the ACS 5 year estimates as required by California Elections Code section 21508(d)(2)****



Mendocino County Board of Supervisors Agenda Summary

Item #: 5d)

To: Board of Supervisors

From: Water Agency

Meeting Date: November 9, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Regular Agenda

Time Allocated for Item: 30 Minutes

Agenda Title:

Adoption of Resolution Approving Department of Transportation Agreement Number 210054, Professional Services Agreement with GEI Consultants, Inc., in the Amount of \$306,808, for the Term Starting Upon Execution of the Agreement through December 31, 2022, for the Re-Establishment of a Stand-Alone Mendocino County Water Agency (Countywide)
(Sponsor: Water Agency)

Recommended Action/Motion:

Adopt resolution approving Department of Transportation Agreement Number 210054, Professional Services Agreement with GEI Consultants, Inc., in the amount of \$306,808, for the term starting upon execution of the agreement through December 31, 2022, for the re-establishment of a stand-alone Mendocino County Water Agency (Countywide); and authorize Chair to sign same.

Previous Board/Board Committee Actions:

By Resolution Number (No.) 21-051 (April 20, 2021), the Board declared a local emergency and imminent threat of disaster due to drought conditions. By Resolution No. 21-079 (June 8, 2021), the Board renewed its declaration and extended the existence of the local emergency. On June 8, 2021, the Board directed the Executive Office to proceed with re-establishing the Mendocino County Water Agency as a stand-alone agency, use a loan from Disaster Recovery Funds to complete a work plan for the Agency, determine staffing resources necessary to address the Water Agency's critical responsibilities, including health and safety issues related to the drought and other key tasks, pursue interim staffing capacity as necessary for interim enhanced operations, and prioritize completion of a competitive process to identify contract assistance for this effort.

Summary of Request:

At the direction of the Board, Department of Transportation (DOT) issued a Request for Proposals (RFP) for a consultant to assist the County in developing a work plan and updated action plan to address current and projected County water concerns, including re-establishment of a stand-alone Mendocino County Water Agency. After a review of the proposals received, GEI Consultants, Inc., of Rancho Cordova, California, was determined to be the best qualified firm to perform the desired services. DOT Agreement No. 210054 provides for the following tasks: conducting a stakeholder and needs assessment, shaping a mission, vision and objectives, defining agency requirements and identifying resources, determining and pursuing funding mechanisms, and developing a work plan and updated action plan for a re-established stand-alone Mendocino County Water Agency. GEI Consultants, Inc., has agreed to perform the desired services at a negotiated not-to-exceed amount of \$306,808. With grant opportunities soon becoming available for drought response and

Item #: 5d)

water resiliency, the creation of an enhanced stand-alone Water Agency with the capacity and expertise to manage these grants and projects is essential at this time. DOT staff recommends and respectfully requests the Board adopt the resolution approving DOT Agreement Number 210054, Professional Services Agreement with GEI Consultants, Inc., in the Amount of \$306,808, for the term starting upon execution of the Agreement through December 31, 2022, for the re-establishment of a stand-alone Mendocino County Water Agency.

Alternative Action/Motion:

Do not approve Agreement and provide further direction to staff.

How Does This Item Support the General Plan? This item supports water quality and water supply development and sustainability.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Budget Unit 2910 (Disaster Recovery)

current f/y cost: \$306,808

annual recurring cost: N/A

budgeted in current f/y: No

if no, please describe:

revenue agreement: N/A

budget clarification: This Agreement provides for a work plan to re-establish the Mendocino County Water Agency and will determine the funding needed and potential funding mechanisms to support the Agency in future Fiscal Years. The Board allocated \$1,500,000 in PG&E Settlement Funds for drought relief efforts, to be paid back using General Fund carryover or other funds. To date, less than \$250,000 of those drought relief funds have been expended or allocated and it is highly unlikely the total amount will be necessary. The Executive Office fiscal team has determined, with confidence, this Agreement can be funded using a portion of the remaining funds allocated for drought relief efforts without additional funding allocations required.

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item **Number:**

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges
Solid Waste & Landfills
Water Agency

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

November 9, 2021

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

RE: ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 210054, PROFESSIONAL SERVICES AGREEMENT WITH GEI CONSULTANTS, INC., IN THE AMOUNT OF \$306,808, FOR THE TERM STARTING UPON EXECUTION OF THE AGREEMENT THROUGH DECEMBER 31, 2022, FOR THE RE-ESTABLISHMENT OF A STAND-ALONE MENDOCINO COUNTY WATER AGENCY (COUNTYWIDE)

Honorable Board Members:

The Mendocino County Water Agency (MCWA) is a special district governed by the Board of Supervisors, sitting as the Board of Directors. The special district was originally established by an act of the State Legislature in 1949, under the name of the Mendocino County Flood Control and Water Conservation District, to provide a mechanism for local participation in the construction of Coyote Dam on the East Fork of the Russian River. District revenue is generated from a tax that was established in 1971, which does not exceed \$0.06 per \$100 of assessed valuation. Additional funding has historically included revenue from various grants.

The County Department of Public Works administered the district until 1987 and provided civil engineering, maintenance and hydrologic consulting and services to water districts throughout the County. In 1987, State legislation amended the original act and created the Mendocino County Water Agency, an organization autonomous of other County departments. The MCWA adopted an independent identity between 1987 and 2011. Other activities during that phase of the agency included implementation of water quality and watershed assessment studies and sediment reduction and fishery enhancement projects with grant funds. In 2011, the MCWA was again integrated into an existing department, Planning and Building Services (PBS).

The administration of the MCWA remained with PBS until 2015, when it was transferred to the Executive Office. Also in 2015, an Action Plan was commissioned by the Board of Supervisors and the tasks developed from that plan have remained the primary focus of the MCWA since that time. In January 2021, administration of the MCWA was assumed by the Department of Transportation.

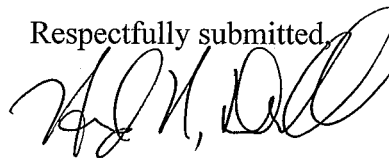
On June 8, 2021, with the County facing its third drought in 10 years, the Board directed the Executive Office to proceed with re-establishing the Mendocino County Water Agency as a stand-alone agency, use a loan from Disaster Recovery Funds to complete a work plan for the Agency, determine staffing resources necessary to address the Water Agency's critical responsibilities, including health and safety issues related to the drought and other key tasks, pursue interim staffing capacity as necessary for interim enhanced operations, and prioritize completion of a competitive process to identify contract assistance for this effort.

In response to the Board's direction, Department of Transportation (DOT) issued a Request for Proposals (RFP) for a consultant to assist the County in developing a work plan and updated action plan to address current and projected County water concerns, including re-establishment of a stand-alone Mendocino County Water Agency. After a review of the proposals received, GEI Consultants, Inc., of Rancho Cordova, California, was determined to be the best qualified firm to perform the desired services. DOT Agreement No. 210054 provides for the following tasks: conducting a stakeholder and needs assessment, shaping a mission, vision and objectives, defining agency requirements and identifying resources, determining and pursuing funding mechanisms, and developing a work plan and updated action plan for a re-established stand-alone Mendocino County Water Agency. GEI Consultants, Inc., has agreed to perform the desired services at a negotiated not-to-exceed amount of \$306,808. With grant opportunities soon becoming available for drought response and water resiliency, the creation of an enhanced stand-alone Water Agency with the capacity and expertise to manage these grants and projects is essential at this time.

DOT staff recommends and respectfully requests the Board adopt the resolution approving DOT Agreement Number 210054, Professional Services Agreement with GEI Consultants, Inc., in the Amount of \$306,808, for the Term Starting upon Execution of the Agreement through December 31, 2022, for the Re-Establishment of a Stand-Alone Mendocino County Water Agency.

I will, of course, respond to any questions the Board may have.

Respectfully submitted,



HOWARD N. DASHIELL
Director of Transportation

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 210054, PROFESSIONAL SERVICES AGREEMENT WITH GEI CONSULTANTS, INC., IN THE AMOUNT OF \$306,808, FOR THE TERM STARTING UPON EXECUTION OF THE AGREEMENT THROUGH DECEMBER 31, 2022, FOR THE RE-ESTABLISHMENT OF A STAND-ALONE MENDOCINO COUNTY WATER AGENCY (COUNTYWIDE)

WHEREAS, by Resolution Number (No.) 21-051 (April 20, 2021), the Board declared a local emergency and imminent threat of disaster due to drought conditions; and

WHEREAS, by Resolution No. 21-079 (June 8, 2021), the Board renewed its declaration and extended the existence of the local emergency; and

WHEREAS, on June 8, 2021, the Board directed the Executive Office to proceed with re-establishing the Mendocino County Water Agency as a stand-alone agency, use a loan from Disaster Recovery Funds to complete a work plan for the Agency, determine staffing resources necessary to address the Water Agency's critical responsibilities, including health and safety issues related to the drought and other key tasks, pursue interim staffing capacity as necessary for interim enhanced operations, and prioritize completion of a competitive process to identify contract assistance for this effort; and

WHEREAS, on June 15, 2021, the County Department of Transportation (DOT) issued a Request for Proposals (RFP) for a consultant to assist the County in developing a work plan and updated action plan to address current and projected County water concerns, including re-establishment of a stand-alone Mendocino County Water Agency; and

WHEREAS, after a review of the proposals received in response to the RFP, GEI Consultants, Inc., was determined to be the best qualified firm to perform the desired services; and

WHEREAS, GEI Consultants, Inc., has agreed to perform the desired services under DOT Agreement 210054 within the stipulated timeframe for a not-to-exceed amount of \$306,808.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Approves DOT Agreement No. 210054 Professional Services Agreement with GEI Consultants, Inc., in the Amount of \$306,808, for the term starting upon execution of the agreement through December 31, 2022, for the re-establishment of a stand-alone Mendocino County Water Agency; and

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2. Authorizes and directs the Chair of the Board of Supervisors to execute said Agreement on behalf of Mendocino County.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

BOS AGREEMENT NO. _____

DOT AGREEMENT NO. 210054

PROFESSIONAL SERVICES AGREEMENT WITH GEI CONSULTANTS, INC., IN THE AMOUNT OF \$306,808, FOR THE TERM STARTING UPON EXECUTION OF THE AGREEMENT THROUGH DECEMBER 31, 2022, FOR THE RE-ESTABLISHMENT OF A STAND-ALONE MENDOCINO COUNTY WATER AGENCY

This Agreement is by and between the COUNTY OF MENDOCINO, hereinafter referred to as the "COUNTY", and GEI Consultants, Inc., hereinafter referred to as the "CONSULTANT".

WITNESSETH

WHEREAS, pursuant to Government Code Section 31000, COUNTY may retain independent contractors to perform special services to or for COUNTY or any department thereof; and,

WHEREAS, COUNTY desires to obtain CONSULTANT for its Water Agency development and strategic planning services; and,

WHEREAS, CONSULTANT is willing to provide such services on the terms and conditions set forth in this AGREEMENT and is willing to provide same to COUNTY.

NOW, THEREFORE it is agreed that COUNTY does hereby retain CONSULTANT to provide the services described in Exhibit "A", and CONSULTANT accepts such engagement, on the General Terms and Conditions hereinafter specified in this Agreement, the Additional Provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

- | | |
|-----------|---|
| Exhibit A | Definition of Services |
| Exhibit B | Payment Terms |
| Exhibit C | Insurance Requirements |
| Exhibit D | Mendocino County ePayables Information |
| Exhibit E | Disadvantaged Business Enterprise Information and Forms |
| Exhibit F | Required Federal Contract Provisions |

The term of this Agreement shall be from the date this Agreement becomes fully executed by all parties (the "Effective Date"), and shall continue through December 31, 2022.

The compensation payable to CONSULTANT hereunder shall not exceed Three Hundred Six Thousand Eight Hundred Eight Dollars (\$306,808) for the term of this Agreement.

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW: Transportation

HOWARD N. DASHIELL 10/12/21
HOWARD N. DASHIELL, Director DATE

Budgeted: ☐ Yes ☒ No

Budget Unit: 2910

Line Item: 862189

Grant: ☐ Yes ☒ No

Grant No.: _____

COUNTY OF MENDOCINO

By: _____
DAN GJERDE, Chair
BOARD OF SUPERVISORS

Date: _____

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: _____
Deputy

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

CARMEL J. ANGELO, Clerk of said Board

By: _____
Deputy

INSURANCE REVIEW:

By: _____
Fiduciary Agent

Date: 10/07/2021

CONSULTANT/COMPANY NAME

By: JOHN WOODLING

Date: 10/8/2021

NAME AND ADDRESS OF CONSULTANT:

GEI Consultants, Inc.

2868 Prospect Park Dr., Suite 400

Rancho Cordova, CA 95670

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

By: Matthew Kiedrowski
Deputy

Date: 10/07/2021

EXECUTIVE OFFICE/FISCAL REVIEW:

By: _____
Deputy CEO

Date: 10/07/2021

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed ☐

Mendocino County Business License: Valid ☐

Exempt Pursuant to MCC Section: _____

GENERAL TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** No relationship of employer and employee is created by this Agreement; it being understood and agreed that CONSULTANT is an Independent Contractor. CONSULTANT is not the agent or employee of the COUNTY in any capacity whatsoever, and COUNTY shall not be liable for any acts or omissions by CONSULTANT nor for any obligations or liabilities incurred by CONSULTANT.

CONSULTANT shall have no claim under this Agreement or otherwise, for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance medical care, hospital care, retirement benefits, social security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind.

CONSULTANT shall be solely liable for and obligated to pay directly all applicable payroll taxes (including federal and state income taxes) or contributions for unemployment insurance or old age pensions or annuities which are imposed by any governmental entity in connection with the labor used or which are measured by wages, salaries or other remuneration paid to its officers, agents or employees and agrees to indemnify and hold County harmless from any and all liability which COUNTY may incur because of CONSULTANT's failure to pay such amounts.

In carrying out the work contemplated herein, CONSULTANT shall comply with all applicable federal and state workers' compensation and liability laws and regulations with respect to the officers, agents and/or employees conducting and participating in the work; and agrees that such officers, agents, and/or employees will be considered as Independent Contractors and shall not be treated or considered in any way as officers, agents and/or employees of COUNTY.

CONSULTANT does, by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with all applicable federal, state and County laws, including but not limited to prevailing wage laws, ordinances, regulations, titles, departmental procedures and currently approved methods and practices in his/her field and that the sole interest of COUNTY is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the County agency concerned.

Notwithstanding the foregoing, if the COUNTY determines that pursuant to state and federal law CONSULTANT is an employee for purposes of income tax withholding, COUNTY may upon two (2) week's written notice to CONSULTANT, withhold from payments to CONSULTANT hereunder federal and state income taxes and pay said sums to the federal and state governments.

2. **INDEMNIFICATION:** To the furthest extent permitted by law (including without limitation California Civil Code sections 2782 and 2782.8, if applicable), Consultant shall assume the defense of, indemnify, and hold harmless the COUNTY, its officers, agents, and employees, from and against any and all claims, demands, damages, costs, liabilities, and losses whatsoever alleged to be occurring or resulting in connection with the CONSULTANT'S performance or its obligations under this AGREEMENT, unless arising out of the sole negligence or willful misconduct of COUNTY. "CONSULTANT'S performance" includes CONSULTANT'S action or inaction and the action or inaction of CONSULTANT'S officers, employees, agents and subcontractors.
3. **INSURANCE AND BOND:** CONSULTANT shall at all times during the term of the Agreement with the COUNTY maintain in force those insurance policies and bonds as designated in the attached Exhibit C, and will comply with all those requirements as stated therein.
4. **WORKERS' COMPENSATION:** CONSULTANT shall provide Workers' Compensation insurance, as applicable, at CONSULTANT's own cost and expense and further, neither the CONSULTANT nor its carrier shall be entitled to recover from COUNTY any costs, settlements, or expenses of Workers' Compensation claims arising out of this Agreement.

CONSULTANT affirms that s/he is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for the Workers' Compensation or to undertake self-insurance in accordance with the provisions of the Code and CONSULTANT further assures that s/he will comply with such provisions before commencing the performance of work under this Agreement. CONSULTANT shall furnish to COUNTY certificate(s) of insurance evidencing Worker's Compensation Insurance coverage to cover its employees, and CONSULTANT shall require all subcontractors similarly to provide Workers' Compensation Insurance as required by the Labor Code of the State of California for all of subcontractors' employees.

5. **CONFORMITY WITH LAW AND SAFETY:**
 - a. In performing services under this Agreement, CONSULTANT shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services, including all applicable provisions of the California Occupational Safety and Health Act. CONSULTANT shall indemnify and hold COUNTY harmless from any and all liability, fines, penalties and consequences from any of CONSULTANT's failures to comply with such laws, ordinances, codes and regulations.

- b. Accidents: If a death, serious personal injury or substantial property damage occurs in connection with CONSULTANT's performance of this Agreement, CONSULTANT shall immediately notify Mendocino County Risk Manager's Office by telephone. CONSULTANT shall promptly submit to COUNTY a written report, in such form as may be required by COUNTY of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of CONSULTANT's sub-contractor, if any; (3) name and address of CONSULTANT's liability insurance carrier; and (4) a detailed description of the accident and whether any of COUNTY's equipment, tools, material, or staff were involved.
 - c. CONSULTANT further agrees to take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and to grant to the COUNTY the opportunity to review and inspect such evidence, including the scene of the accident.
6. PAYMENT: For services performed in accordance with this Agreement, payment shall be made to CONSULTANT as provided in Exhibit "B" hereto as funding permits.

If COUNTY over pays CONSULTANT for any reason, CONSULTANT agrees to return the amount of such overpayment to COUNTY, or at COUNTY's option, permit COUNTY to offset the amount of such overpayment against future payments owed to CONSULTANT under this Agreement or any other agreement.

In the event CONSULTANT claims or receives payment from COUNTY for a service, reimbursement for which is later disallowed by COUNTY, State of California or the United States Government, which disallowance is due to the actions or omissions of CONSULTANT, the CONSULTANT shall promptly refund the disallowance amount to COUNTY upon request, or at its option COUNTY may offset the amount disallowed from any payment due or that becomes due to CONSULTANT under this Agreement or any other agreement.

All invoices, receipts, or other requests for payment under this contract must be submitted by CONSULTANT to COUNTY in a timely manner and consistent with the terms specified in Exhibit B. In no event shall COUNTY be obligated to pay any request for payment for which a written request for payment and all required documentation was first received more than six (6) months after this Agreement has terminated, or beyond such other time limit as may be set forth in Exhibit B.

7. TAXES: Payment of all applicable federal, state, and local taxes shall be the sole responsibility of the CONSULTANT.

8. COUNTY OWNERSHIP OF DOCUMENTS: CONSULTANT hereby assigns the COUNTY and its assignees all copyright and other use rights in any and all proposals, plans, specification, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the COUNTY, the CONSULTANT, the CONSULTANT's subcontractors or third parties at the request of the CONSULTANT (collectively, "Documents and Materials"). This explicitly includes the electronic copies of all above stated documentation. Any use of Project Documents for purposes other than those for which they were explicitly prepared shall be at COUNTY's sole risk and liability.

CONSULTANT shall be permitted to retain copies, including reproducible copies and computerized copies, of said Documents and Materials. CONSULTANT agrees to take such further steps as may be reasonably requested by COUNTY to implement the aforesaid assignment. If for any reason said assignment is not effective, CONSULTANT hereby grants the COUNTY and any assignee of the COUNTY an express royalty – free license to retain and use said Documents and Materials. The COUNTY's rights under this paragraph shall apply regardless of the degree of completion of the Documents and Materials and whether or not CONSULTANT's services as set forth in Exhibit "A" of this Agreement have been fully performed or paid for.

The COUNTY's rights under this Paragraph 8 shall not extend to any computer software used to create such Documents and Materials.

9. CONFLICT OF INTEREST: The CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement.
10. NOTICES: All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:

Personal delivery: When personally delivered to the recipient, notices are effective on delivery.

First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three (3) mail delivery days after deposit in a United States Postal Service office or mailbox. Certified Mail: When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery (Federal Express/Airborne/United Parcel Service/DHL WorldWide Express) with charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

Facsimile transmission: When sent by facsimile to the facsimile number of the recipient known to the party giving notice, notice is effective on receipt, provided that, (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given facsimile shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To COUNTY: Mendocino County Water Agency
340 Lake Mendocino Drive
Ukiah, CA 95482
Attn: Howard Dashiell

To CONSULTANT: GEI Consultants, Inc.
2868 Prospect Park Drive, Suite 400
Rancho Cordova, CA 95670
ATTN: John Woodling

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

11. USE OF COUNTY PROPERTY: CONSULTANT shall not use County property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
12. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES PROVISIONS: CONSULTANT certifies that it will comply with all Federal, State, and local laws, rules and regulations pertaining to nondiscrimination in employment.
 - a. CONSULTANT shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color, pregnancy, disability, sex, sexual orientation, gender identity, ancestry, national origin, age, religion, Veteran's status, political affiliation, or any other factor prohibited by law.

- b. CONSULTANT shall, if requested to so do by the COUNTY, certify that it has not, in the performance of this Agreement, engaged in any unlawful discrimination.
 - c. If requested to do so by the COUNTY, CONSULTANT shall provide the COUNTY with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
 - d. Nothing contained in this Agreement shall be construed in any manner so as to require or permit any act which is prohibited by law.
 - e. The CONSULTANT shall include the provisions set forth in this paragraph in each of its subcontracts.
13. DRUG-FREE WORKPLACE: CONSULTANT and CONSULTANT's employees shall comply with the COUNTY's policy of maintaining a drug-free workplace. Neither CONSULTANT nor CONSULTANT's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code § 812, including, but not limited to, marijuana, heroin, cocaine, and amphetamines, at any COUNTY facility or work site. If CONSULTANT or any employee of CONSULTANT is convicted or pleads *nolo contendere* to a criminal drug statute violation occurring at a County facility or work site, the CONSULTANT, within five days thereafter, shall notify the head of the County department/agency for which the contract services are performed. Violation of this provision shall constitute a material breach of this Agreement.
14. ENERGY CONSERVATION: CONSULTANT agrees to comply with the mandatory standards and policies relating to energy efficiency in the State of California Energy Conservation Plan, (Title 24, California Administrative Code).
15. COMPLIANCE WITH LICENSING REQUIREMENTS: CONSULTANT shall comply with all necessary licensing requirements and shall obtain appropriate licenses. To the extent required by law, CONSULTANT shall display licenses in a location that is reasonably conspicuous. Upon COUNTY's request, CONSULTANT shall file copies of same with the County Executive Office.

CONSULTANT represents and warrants to COUNTY that CONSULTANT and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

16. AUDITS; ACCESS TO RECORDS: The CONSULTANT shall make available to the COUNTY, its authorized agents, officers, or employees, for examination any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and

other records or documents evidencing or relating to the expenditures and disbursements charged to the COUNTY, and shall furnish to the COUNTY, within sixty (60) days after examination, its authorized agents, officers or employees such other evidence or information as the COUNTY may require with regard to any such expenditure or disbursement charged by the CONSULTANT.

The CONSULTANT shall maintain full and adequate records in accordance with County requirements to show the actual costs incurred by the CONSULTANT in the performance of this Agreement. If such books and records are not kept and maintained by CONSULTANT within the County of Mendocino, California, CONSULTANT shall, upon request of the COUNTY, make such books and records available to the COUNTY for inspection at a location within County or CONSULTANT shall pay to the COUNTY the reasonable, and necessary costs incurred by the COUNTY in inspecting CONSULTANT's books and records, including, but not limited to, travel, lodging and subsistence costs. CONSULTANT shall provide such assistance as may be reasonably required in the course of such inspection. The COUNTY further reserves the right to examine and reexamine said books, records and data during the four (4) year period following termination of this Agreement or completion of all work hereunder, as evidenced in writing by the COUNTY, and the CONSULTANT shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any manner whatsoever for four (4) years after the COUNTY makes the final or last payment or within four (4) years after any pending issues between the COUNTY and CONSULTANT with respect to this Agreement are closed, whichever is later.

17. **DOCUMENTS AND MATERIALS:** CONSULTANT shall maintain and make available to COUNTY for its inspection and use during the term of this Agreement, all Documents and Materials, as defined in Paragraph 8 of this Agreement. CONSULTANT's obligations under the preceding sentence shall continue for four (4) years following termination or expiration of this Agreement or the completion of all work hereunder (as evidenced in writing by COUNTY), and CONSULTANT shall in no event dispose of, destroy, alter or mutilate said Documents and Materials, for four (4) years following the COUNTY's last payment to CONSULTANT under this Agreement.
18. **TIME OF ESSENCE:** Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement. CONSULTANT shall be given enough time to work safely and prudently.
19. **TERMINATION:** The COUNTY has and reserves the right to suspend, terminate or abandon the execution of any work by the CONSULTANT without cause at any time upon giving to the CONSULTANT notice. Such notice shall be in writing and may be issued by any county officer authorized to execute or amend the contract, the County Chief Executive Officer, or any other person designated by

the County Board of Supervisors. In the event that the COUNTY should abandon, terminate or suspend the CONSULTANT's work, the CONSULTANT shall be entitled to payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment. Said payment shall be computed in accordance with Exhibit B hereto, provided that the maximum amount payable to CONSULTANT for its Water Agency development and strategic planning services shall not exceed \$306,808 payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment or lack of funding.

20. **NON APPROPRIATION:** If COUNTY should not appropriate or otherwise make available funds sufficient to purchase, lease, operate or maintain the products set forth in this Agreement, or other means of performing the same functions of such products, COUNTY may unilaterally terminate this Agreement only upon thirty (30) days written notice to CONSULTANT. Upon termination, COUNTY shall remit payment for all products and services delivered to COUNTY and all expenses incurred by CONSULTANT prior to CONSULTANT'S receipt of the termination notice.
21. **CHOICE OF LAW:** This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws.
22. **VENUE:** All lawsuits relating to this contract must be filed in Mendocino County Superior Court, Mendocino County, California.
23. **WAIVER:** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, failure, right or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
24. **ADVERTISING OR PUBLICITY:** CONSULTANT shall not use the name of County, its officers, directors, employees or agents, in advertising or publicity releases or otherwise without securing the prior written consent of COUNTY in each instance.
25. **ENTIRE AGREEMENT:** This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire agreement between COUNTY and CONSULTANT relating to the subject matter of this Agreement. As used herein, Agreement refers to and includes any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties

and sets forth the entire understanding of the parties regarding the subject matter thereof. This Agreement may not be modified except by a written document signed by both parties. In the event of a conflict between the body of this Agreement and any of the Exhibits, the provisions in the body of this Agreement shall control.

26. HEADINGS: Herein are for convenience of reference only and shall in no way affect interpretation of this Agreement.
27. MODIFICATION OF AGREEMENT: This Agreement may be supplemented, amended or modified only by the mutual agreement of the parties. No supplement, amendment or modification of this Agreement shall be binding unless it is in writing and signed by authorized representatives of both parties.
28. ASSURANCE OF PERFORMANCE: If at any time the COUNTY has good objective cause to believe CONSULTANT may not be adequately performing its obligations under this Agreement or that CONSULTANT may fail to complete the Services as required by this Agreement, COUNTY may request from CONSULTANT prompt written assurances of performance and a written plan acceptable to COUNTY, to correct the observed deficiencies in CONSULTANT's performance. CONSULTANT shall provide such written assurances and written plan within thirty (30) calendar days of its receipt of COUNTY's request and shall thereafter diligently commence and fully perform such written plan. CONSULTANT acknowledges and agrees that any failure to provide such written assurances and written plan within the required time is a material breach under this Agreement.
29. SUBCONTRACTING/ASSIGNMENT: CONSULTANT shall not subcontract, assign or delegate any portion of this Agreement or any duties or obligations hereunder without the COUNTY's prior written approval.
 - a. Neither party shall, on the basis of this Agreement, contract on behalf of or in the name of the other party. Any agreement that violates this Section shall confer no rights on any party and shall be null and void.
 - b. Only the department head or his or her designee shall have the authority to approve subcontractor(s).
 - c. CONSULTANT shall remain fully responsible for compliance by its subcontractors with all the terms of this Agreement, regardless of the terms of any agreement between CONSULTANT and its subcontractors.
30. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination on expiration of the Agreement, including without limitation, the obligations regarding Indemnification (Paragraph 2),

Countyship of Documents (Paragraph 8), and Conflict of Interest (Paragraph 9), shall survive termination or expiration for two (2) years.

31. SEVERABILITY: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, unenforceable, or invalid provision.
32. INTELLECTUAL PROPERTY WARRANTY: CONSULTANT warrants and represents that it has secured all rights and licenses necessary for any and all materials, services, processes, software, or hardware ("CONSULTANT PRODUCTS") to be provided by CONSULTANT in the performance of this AGREEMENT, including but not limited to any copyright, trademark, patent, trade secret, or right of publicity rights. CONSULTANT hereby grants to COUNTY, or represents that it has secured from third parties, an irrevocable license (or sublicense) to reproduce, distribute, perform, display, prepare derivative works, make, use, sell, import, use in commerce, or otherwise utilize CONSULTANT PRODUCTS to the extent reasonably necessary to use the CONSULTANT PRODUCTS in the manner contemplated by this agreement.

CONSULTANT further warrants and represents that it knows of no allegations, claims, or threatened claims that the CONSULTANT PRODUCTS provided to COUNTY under this Agreement infringe any patent, copyright, trademark or other proprietary right. In the event that any third party asserts a claim of infringement against the COUNTY relating to a CONSULTANT PRODUCT, CONSULTANT shall indemnify and defend the COUNTY pursuant to Paragraph 2 of this AGREEMENT.

In the case of any such claim of infringement, CONSULTANT shall either, at its option, (1) procure for COUNTY the right to continue using the CONSULTANT Products; or (2) replace or modify the CONSULTANT Products so that that they become non-infringing, but equivalent in functionality and performance.

33. ELECTRONIC COPIES:

The parties agree that an electronic copy, including facsimile copy, email, or scanned copy of the executed Agreement, shall be deemed, and shall have the same legal force and effect as, an original document.

34. COOPERATION WITH COUNTY

Consultant shall cooperate with County and County staff in the performance of all work hereunder.

35. PERFORMANCE STANDARD

Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release. If County determines that any of Consultant's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of paragraph 19 (Termination) or (d) pursue any and all other remedies at law or in equity.

36. ATTORNEYS' FEES

In any action to enforce or interpret the terms of this agreement, including but not limited to any action for declaratory relief, each party shall be solely responsible for and bear its own attorneys' fees, regardless of which party prevails.

[END OF GENERAL TERMS AND CONDITIONS]

EXHIBIT A

DEFINITION OF SERVICES

CONSULTANT shall provide the following services:

Task 1. Conduct Information Gathering

Subtask 1.1 Stakeholder Assessment

- Participate in and lead virtual kick-off meeting with key COUNTY staff.
- Work with COUNTY staff to identify key stakeholders.
- Develop a survey to be distributed to approximately 30-35 key stakeholders.
- Conduct up to 12 virtual stakeholder meetings.
- Include in stakeholder assessment an analysis of the "market" for having the Water Agency provide contracted technical assistance to other independent agencies/districts.

Subtask 1.2 Review Existing Information

- Review historical Water Agency information, which may include, but not be limited to, Agency Act, Action Plan, meeting minutes, past water planning documents.
- Review current applicable information, which may include, but not be limited to, COUNTY General Plan, draft UVBGSA Groundwater Sustainability Plan, and water system demand and agricultural demand information.

Subtask 1.3 Identify Critical Issues

- Compile and analyze information received from stakeholder assessment.
- Conduct one virtual meeting with key COUNTY staff to present findings.
- Prepare technical memo which identifies concerns raised and critical barriers to project success, and summarizes key influencing factors.

Task 1. Deliverables

- Stakeholder Assessment Survey
- Technical memorandum summarizing the collection and analysis of information from existing sources and stakeholder surveys and interviews.

Task 1. Assumptions

- COUNTY staff will provide CONSULTANT with historical reports and documents.

- COUNTY staff will assist in identifying stakeholders and provide input to the survey.

Task 2. Shape Mission, Vision and Objectives

Subtask 2.1 Strategic Planning Workshops

- Conduct virtual meetings with key COUNTY staff as needed to prepare for workshops.
- Form a Steering Committee comprised of key COUNTY staff and stakeholders.
- Conduct a minimum of two virtual workshops with Steering Committee to shape the mission and values statements.
- With Steering Committee input, develop goals and objectives aligned with the mission and vision statements.

Subtask 2.2 Implementation Plan

- Conduct virtual workshop with the Board of Supervisors to solicit Board input.
- Prepare priorities and implementation schedule including a schedule of milestones.
- Identify any applicable state and federal regulations that must be considered.
- Respond to COUNTY staff comments on draft implementation plan.

Task 2. Deliverables

- A final document summarizing the strategic plan workshops and implementation schedule.

Task 2. Assumptions

- COUNTY will provide venues for workshops, if held in-person.
- COUNTY will provide legal review of final documents or recommendations, as needed.

Task 3. Define Requirements and Identify Resources

Subtask 3.1 Identify Staffing and Resource Needs

- Prepare staffing and organization chart options with appropriate reporting structures and staffing duties for discussion with COUNTY executive staff.
- Prepare and/or update existing job classifications containing principal duties, minimum education/experience requirements, required licenses and/or registrations, exempt/non-exempt position status, and specialized training or experience needed for each position. These job descriptions will follow the format used by COUNTY unless directed otherwise.
- Evaluate and makes recommendations on the need for office space, technology and vehicle needs.

- Recruit Water Agency Manager including:
 - Work with COUNTY executive staff and/or Board of Supervisors ad-hoc committee to define desirable traits.
 - Prepare/update the job description and recommend a salary and benefit package.
 - Prepare advertisement information and a recruitment brochure and recommend venues for recruitment.
 - Assemble an interview panel, draft interview questions and assist in screening candidates.
 - Summarize the process and provide ranking of candidates.

Subtask 3.2 Prepare Policies and Agreements

- Evaluate existing COUNTY Code and identify areas of need to define the Agency's responsibilities and authority.
- Draft ordinance, as needed, modeled after existing COUNTY ordinances.
- Evaluate COUNTY policy manual and identify any policies that need specific consideration for unique aspects of Water Agency.
- Develop up to three water policy documents and corresponding procedures, as needed.
- Create model contract templates for facilitating interagency agreements.

Task 3. Deliverables

- Water Agency organization chart and job descriptions.
- Water Agency executive recruitment package.
- Draft ordinance, as needed.
- Draft Water Agency policies and procedures, as needed.
- Draft agreement template for providing interagency services.

Task 3. Assumptions

- COUNTY staff will provide existing information and documents relevant to Task 3, including job descriptions, policies and procedures and interagency agreements..
- COUNTY will provide legal review of documents, as needed.

Task 4. Determine Funding Mechanisms

Subtask 4.1 Budget Development and Funding Needs

- Prepare budget estimates for the first three years.
- Budget estimates will be based on standard government accounting principles, delineating ongoing operating costs such as direct labor and benefits, retirement obligations and other post-employment benefits, office expenses, rent, utilities, vehicle expenses, training, sampling and laboratory costs, Director

expenses, conferences and travel, and other standard cost categories.

Subtask 4.2 Evaluate Potential Funding Options

- Evaluate potential internal and external funding sources and develop a shorter list of likely options for analysis with COUNTY executive staff.
- Determine potential revenue from providing contracted technical assistance to other independent agencies/districts.
- Prepare a summary of potential grant funding opportunities, their applicability to Water Agency priorities, and key characteristics of each program.

Subtask 4.3 Pursue Grant Funding

- At the direction of COUNTY, prepare grant funding applications to state or federal agencies or other funding sources.

Task 4. Deliverables

- Technical memorandum on agency budget and funding options.
- Grant funding opportunities summary.
- Completed grant application(s), as directed.

Task 4. Assumptions

- Scopes of work for specific grant applications will be developed in the future, if necessary.

Task 5. Present Final Work Plan and Implementation Recommendations

Subtask 5.1 Draft Plan

- Based on the previous tasks, develop a work plan documenting the processes, methods, and results of the findings. The Work Plan will contain the following information:
 - Actionable results focused on management of the COUNTY's water resources to meet both current and projected future needs.
 - Incorporate and revise the elements of the existing Water Agency Action Plan, as appropriate, to ensure the Agency's ongoing obligations are included.
 - Include long-range goals specifically ties to the agreed-upon Mission, Vision, Goals and Objectives.
 - Detailed key steps and milestones – identifying which can occur concurrently and which should proceed serially for best efficiency.
 - Budget information for the implementation of the Work Plan by fiscal year quarter.
- Present Work Plan to key COUNTY staff for review and comment.
- Incorporate staff comments and revise as appropriate.

- Present draft Work Plan to Board of Supervisors at an in-person or virtual public meeting.

Subtask 5.2 Final Plan

- Incorporate comments from Board of Supervisors and prepare Final Draft Work Plan for adoption.

Task 5. Deliverables

- Draft and Final Work Plan, incorporating updated Water Agency Action Plan.

Task 5. Assumptions

- It is assumed that water needs analysis and future water supply projections will be based on review of existing information rather than a comprehensive new analysis. A more detailed analysis, if needed, could be conducted through an amendment to this Agreement.

[END OF DEFINITION OF SERVICES]

EXHIBIT B

PAYMENT TERMS

1. COUNTY shall pay CONSULTANT for all work required in the satisfactory completion of this Agreement in accordance with the Budget Estimate below.
2. CONSULTANT's statement of charges shall be submitted to the COUNTY on a monthly basis.
3. Partial payments shall be made to the CONSULTANT by the COUNTY on a monthly basis in accordance with applicable charges for time-and-expense work that may be authorized by the COUNTY. In no event shall the amount paid to the CONSULTANT exceed the contract amount without prior written approval of the COUNTY.
4. Payments for work completed by CONSULTANT will be made by COUNTY within 30 days of receipt of CONSULTANT's invoice.
5. CONSULTANT agrees that the cost principles and procedures of Title 48, Part 31, Code of Federal Regulations, shall be used to determine the allow ability of individual items of cost.
6. CONSULTANT agrees to adhere to the following invoicing procedure:
 - CONSULTANT will prepare periodic invoices providing a summary of CONSULTANT'S work, including covered dates of service, and copies of invoices from any sub-contractors.
 - CONSULTANT must have paid all costs included on an invoice before seeking reimbursement from County. Prepayments are not allowed.
 - CONSULTANT must pay subcontractors within 30 days of receipt of payment for each invoice.
 - The complete chain of charges through the sub-contractor levels must follow through to the invoice to COUNTY.
 - Restaurant charges, etc., shall be itemized. Invoices with just a total will be rejected.
 - COUNTY uses the Caltrans *CONSULTANT/Contractor Travel Policy* for reimbursements for travel expenses.
 - If an expense report is used, values on the report must match the receipts and on up the line. Items on a receipt not listed for reimbursement must be crossed out and initialed by the CONSULTANT seeking the reimbursement and the new total noted.
 - Any re-submitted invoice shall be given a new invoice date. The same invoice number and date shall appear on each page of the invoice.
 - All charges accumulated within the COUNTY's fiscal year, July 1 through June 30, not previously invoiced, shall be invoiced, and received by COUNTY, by the second Friday of July.

- Cover letters, project updates etc. may be included with the invoice but not stapled to it.

**Mendocino County Department of Transportation -
Budget Estimate - Final 9-24-2021**

| | | GEI Professional Services Labor Cost Estimate | | | | | | |
|--|--------------------------------------|---|-----------|-----------|-----------|-----------|-----------|----------|
| | | Grade 8* | Grade 5 | Grade 4 | Grade 3 | Grade 1 | Subtotals | |
| | | \$295 /hr | \$203 /hr | \$172 /hr | \$153 /hr | \$127 /hr | Hrs | Cost |
| Task 1 - Conduct Information Gathering | | | | | | | | |
| 1.1 | Stakeholder Assessment | 50 | 10 | | | | 60 | \$16,780 |
| 1.2 | Review Existing Information | 48 | 32 | 32 | | | 112 | \$26,160 |
| 1.3 | Identify Critical Issues | 52 | 8 | | | | 60 | \$16,964 |
| | | 150 | 50 | 32 | 0 | 0 | 232 | \$59,904 |
| Task 2 - Shape Mission, Vision, and Objectives | | | | | | | | |
| 2.1 | Strategic Planning Workshops | 52 | 40 | | | | 92 | \$23,460 |
| 2.2 | Implementation Plan | 64 | 8 | | | | 72 | \$20,504 |
| | | 116 | 48 | 0 | 0 | 0 | 164 | \$43,964 |
| Task 3 - Define Requirements and Identify Resources | | | | | | | | |
| 3.1 | Identify Staffing and Resource Needs | 100 | 12 | | | | 112 | \$31,936 |
| 3.1.1 | Recruit Water Agency Manager | 72 | 20 | | | | 92 | \$25,300 |
| 3.2 | Prepare Policies and Agreements | 112 | | | | | 112 | \$33,040 |
| | | 284 | 32 | 0 | 0 | 0 | 316 | \$90,276 |
| Task 4 - Determine Funding Mechanisms | | | | | | | | |
| 4.1 | Budget Development and Funding Needs | 48 | | | | | 48 | \$14,160 |
| 4.2 | Evaluate Potential Funding Options | 112 | | | | 40 | 152 | \$38,120 |
| 4.3 | Pursue Grant Funding | 16 | 8 | | 24 | 40 | 88 | \$15,096 |
| | | 176 | 8 | 0 | 24 | 80 | 288 | \$67,376 |
| Task 5 - Present Final Work Plan and Implementation Recommendations | | | | | | | | |
| 5.1 | Draft Plan | 96 | 24 | 24 | | | 144 | \$37,320 |
| 5.2 | Final Plan | 16 | 16 | | | | 32 | \$7,968 |
| | | 112 | 40 | 24 | 0 | 0 | 176 | \$45,288 |

Totals 1,176 \$306,808

* Note: Hourly rate for Grade 8 in this table is a melded for cost estimating purposes.
Actual rates charged will be per rate sheets and as agreed in contract.



GEI FEE SCHEDULE

| <u>Personnel Category</u> | <u>Hourly Billing Rate</u> <u>\$ per hour</u> |
|--|--|
| Staff Professional – Grade 1 (Martin) | \$ 127 |
| Staff Professional – Grade 2 | \$ 140 |
| Project Professional – Grade 3 (Heidari, Nye) | \$ 153 |
| Project Professional – Grade 4 (Laird) | \$ 172 |
| Senior Professional – Grade 5 (Casey, Pascoal) | \$ 203 |
| Senior Professional – Grade 6 | \$ 231 |
| Senior Professional – Grade 7 | \$ 274 |
| Senior Consultant – Grade 8 (Woodling) | \$ 307 |
| ----- | |
| Senior Drafter and Designer | \$ 153 |
| Drafter / Designer and Senior Technician | \$ 140 |
| Field Professional | \$ 115 |
| Technician, Word Processor, Administrative Staff | \$ 114 |
| Office Aide | \$ 89 |

Additional staff may perform work on the project at the above rates subject to County project manager approval.

Strategy Driver Fee Schedule – Ellen Cross - \$275/hour

Interwest Consulting Group Fee Schedule

| | |
|------------------------------------|------------|
| Director (Rob Roscoe, Jeff Nelson) | \$260/hour |
| Principal Engineer (Dave Brent) | \$230/hour |
| Senior Engineer | \$200/hour |

These rates are billed for both regular and overtime hours in all categories.

Rates will increase up to 5% annually, at GEI's option, for all contracts that extend beyond twelve (12) months after the date of the contract. Rates for Deposition and Testimony are increased 1.5 times.

OTHER PROJECT COSTS

Subconsultants, Subcontractors and Other Project Expenses - All costs for subconsultants, subcontractors and other project expenses will be billed at cost.

Transportation and Subsistence - Automobile expenses for GEI or employee-owned cars will be charged at the rate per mile set by the Internal Revenue Service for tax purposes plus tolls and parking charges or at a day rate negotiated for each project.

PAYMENT TERMS

Invoices will be submitted monthly or upon completion of a specified scope of service, as described in the accompanying contract (proposal, project, or agreement document that is signed and dated by GEI and CLIENT).

Payment is due upon receipt of the invoice. Interest will accrue at the rate of 1% of the invoice amount per month, for amounts that remain unpaid more than 30 days after the invoice date. All payments will be made by either check or electronic transfer to the address specified by GEI and will include reference to GEI's invoice number.

EXHIBIT C

INSURANCE REQUIREMENTS

Insurance coverage in a minimum amount set forth herein shall not be construed to relieve CONSULTANT for liability in excess of such coverage, nor shall it preclude COUNTY from taking such other action as is available to it under any other provisions of this Agreement or otherwise in law. Insurance requirements shall be in addition to, and not in lieu of, Consultant's indemnity obligations under Paragraph 2 of this Agreement.

CONSULTANT shall obtain and maintain insurance coverage as follows:

- a. Combined single limit bodily injury liability and property damage liability - \$1,000,000 each occurrence.
- b. Vehicle / Bodily Injury combined single limit vehicle bodily injury and property damage liability - \$500,000 each occurrence.

CONSULTANT shall furnish to COUNTY certificates of insurance evidencing the minimum levels described above.

[END OF INSURANCE REQUIREMENTS]

EXHIBIT D

MENDOCINO COUNTY EPAYABLES INFORMATION

The County of Mendocino is currently making credit card payments to all of our vendors and suppliers who qualify. To qualify, vendors need to currently accept credit card payments. To achieve this more efficient form of payment, the County has partnered with Bank of America and their ePayables credit card program. This electronic initiative will yield many benefits to its participants:

- Expedited receipt of cash – electronic credit card payments provide cash flow benefits by eliminating mail and paper check float
- Elimination of check processing costs
- Remittance data transmitted with payment for more efficient back-end reconciliation
- No collection costs associated with lost or misplaced checks
- Reduced exposure to check fraud
- More efficient handling of exception items
- Fits with existing accounting software – requires no purchase of software, no modifications to existing accounts receivable system and no change to bank accounts.
- Going green with paperless electronic credit card payments help conserve the environment by eliminating printing and mailing of paper checks.

For information regarding the payment process, please email Auditorap@mendocinocounty.org.

Additional information regarding the Bank of America Program is also available at:

http://corp.bankofamerica.com/business/ci/landing/epayables-vendors?cm_mmc=sb-general-_vanity_-sg01vn000r_epayablesvendors-_na

EXHIBIT E

DISADVANTAGED BUSINESS ENTERPRISE

INFORMATION AND FORMS

EXHIBIT 10-I NOTICE TO PROPOSERS DBE INFORMATION

(Federally funded projects only)

The Agency has established a DBE goal for this Contract of 0.00%

1. TERMS AS USED IN THIS DOCUMENT

- The term "Disadvantaged Business Enterprise" or "DBE" means a for-profit small business concern owned and controlled by a socially and economically disadvantaged person(s) as defined in Title 49, Code of Federal Regulations (CFR), Part 26.5.
- The term "Agreement" also means "Contract."
- Agency also means the local entity entering into this contract with the Contractor or Consultant.
- The term "Small Business" or "SB" is as defined in 49 CFR 26.65.

2. AUTHORITY AND RESPONSIBILITY

- A. DBEs and other small businesses are strongly encouraged to participate in the performance of Contracts financed in whole or in part with federal funds (See 49 CFR 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs"). The Consultant must ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The proposer must not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- B. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

3. SUBMISSION OF DBE INFORMATION

If there is a DBE goal on the contract, Exhibit 10-O1 *Consultant Proposal DBE Commitment* must be included in the Proposal. In order for a proposer to be considered responsible and responsive, the proposer must make good faith efforts to meet the goal established for the contract. If the goal is not met, the proposer must document adequate good faith efforts. All DBE participation will be counted towards meeting the contract goal; therefore, all DBE participation shall be collected and reported.

Exhibit 10-O2 *Consultant Contract DBE Information* must be included in best qualified consultant's executed consultant contract. Even if no DBE participation will be reported, the successful proposer must execute and return the form.

4. DBE PARTICIPATION GENERAL INFORMATION

It is the proposer's responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department's DBE program developed pursuant to the regulations. Particular attention is directed to the following:

- A. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).
- B. A certified DBE may participate as a prime consultant, subconsultant, joint venture partner, as a vendor of material or supplies, or as a trucking company.
- C. A DBE proposer not proposing as a joint venture with a non-DBE, will be required to document one or a combination of the following:
 - 1. The proposer is a DBE and will meet the goal by performing work with its own forces.
 - 2. The proposer will meet the goal through work performed by DBE subconsultants, suppliers or trucking companies.
 - 3. The proposer, prior to proposing, made adequate good faith efforts to meet the goal.

- D. A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing, and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.
- E. A DBE must perform a commercially useful function pursuant to 49 CFR 26.55, that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- F. The proposer shall list only one subconsultant for each portion of work as defined in their proposal and all DBE subconsultants should be listed in the bid/cost proposal list of subconsultants.
- G. A prime consultant who is a certified DBE is eligible to claim all of the work in the Contract toward the DBE participation except that portion of the work to be performed by non-DBE subconsultants.

5. RESOURCES

- A. The CUCP database includes the certified DBEs from all certifying agencies participating in the CUCP. If you believe a firm is certified that cannot be located on the database, please contact the Caltrans Office of Certification toll free number 1-866-810-6346 for assistance.
- B. Access the CUCP database from the Department of Transportation, Office of Civil Rights [website](#)
 - 1. Click on the link titled Disadvantaged Business Enterprise;
 - 2. Click on Search for a DBE Firm link;
 - 3. Click on [Access to the DBE Query Form](#) located on the first line in the center of the page.

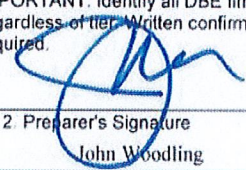
Searches can be performed by one or more criteria. Follow instructions on the screen.

6. MATERIALS OR SUPPLIES PURCHASED FROM DBES COUNT TOWARDS THE DBE GOAL UNDER THE FOLLOWING CONDITIONS:

- A. If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies. A DBE manufacturer is a firm that operates or maintains a factory, or establishment that produces on the premises the materials, supplies, articles, or equipment required under the Contract and of the general character described by the specifications.
- B. If the materials or supplies purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.
- C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be, by a long-term lease agreement and not an ad hoc or Agreement-by-Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this section.
- D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT

1. Local Agency: Mendocino County Department of Transportation 2. Contract DBE Goal: 0%
 3. Project Description: Re-establish a stand-alone Mendocino County Water Agency
 4. Project Location: Ukiah, CA
 5. Consultant's Name: GEI Consultants, Inc. 6. Prime Certified DBE: ☐

| 7. Description of Work, Service, or Materials Supplied | 8. DBE Certification Number | 9. DBE Contact Information | 10. DBE % | | |
|---|-----------------------------|---|-----------|--|--|
| Management Consulting Services | 41988 | Strategy Driver, Inc. 7015 Elverton Dr. Oakland, CA 94611 | 15.00 | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Local Agency to Complete this Section | | 11. TOTAL CLAIMED DBE PARTICIPATION | 15.00 % | | |
| 17. Local Agency Contract Number: _____ | | IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.  08/26/2021 12. Preparer's Signature John Woodling 13. Date 916.631.4563 14. Preparer's Name Vice President 15. Phone 16. Preparer's Title | | | |
| 18. Federal-Aid Project Number: _____ | | | | | |
| 19. Proposed Contract Execution Date: _____ | | | | | |
| 20. Consultant's Ranking after Evaluation: _____ | | | | | |
| Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate. | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

DISTRIBUTION: Original – Included with consultant's proposal to local agency.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS – CONSULTANT PROPOSAL DBE COMMITMENT**CONSULTANT SECTION**

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Location** - Enter the project location as it appears on the project advertisement.
4. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
5. **Consultant's Name** - Enter the consultant's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
8. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
9. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
10. **DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
11. **Total Claimed DBE Participation %** - Enter the total DBE participation claimed. If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
12. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
13. **Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
14. **Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
15. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
16. **Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

17. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
18. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
19. **Proposed Contract Execution Date** - Enter the proposed contract execution date.
20. **Consultant's Ranking after Evaluation** - Enter consultant's ranking after all submittals/consultants are evaluated. Use this as a quick comparison for evaluating most qualified consultant.
21. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
22. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
23. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
24. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
25. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

EXHIBIT 10-02 CONSULTANT CONTRACT DBE COMMITMENT

1. Local Agency: MENDOCINO COUNTY DOT 2. Contract DBE Goal: 0%
 3. Project Description: RE-ESTABLISH A STAND-ALONE MENDOCINO COUNTY W.A.
 4. Project Location: UKIAH, CA
 5. Consultant's Name: GEL CONSULTANTS 6. Prime Certified DBE: ☐ 7. Total Contract Award Amount: \$306,808
 8. Total Dollar Amount for ALL Subconsultants: _____ 9. Total Number of ALL Subconsultants: _____

| 10. Description of Work, Service, or Materials Supplied | 11. DBE Certification Number | 12. DBE Contact Information | 13. DBE Dollar Amount |
|--|------------------------------|---|---|
| MANAGEMENT CONSULTING | 41988 | STRATEGY DRIVER, INC. 7015 ELVERTON DR. OAKLAND, CA 94611 | \$47,000 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Local Agency to Complete this Section | | | 14. TOTAL CLAIMED DBE PARTICIPATION |
| 20. Local Agency Contract Number: _____ 21. Federal-Aid Project Number: _____ 22. Contract Execution Date: _____ Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate. | | | \$47,000 15 % |
| 23. Local Agency Representative's Signature: <u>Howard N. Dashiell</u> 24. Date: <u>10/12/21</u> 25. Local Agency Representative's Name: <u>Director of Transportation</u> 26. Phone: <u>707-463-4363</u> 27. Local Agency Representative's Title: _____ | | | IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required. 15. Preparer's Signature: <u>John Woodling</u> 16. Date: <u>10/8/21</u> 17. Preparer's Name: <u>VICE PRESIDENT</u> 18. Phone: <u>916 812 9118</u> 19. Preparer's Title: _____ |

DISTRIBUTION: 1. Original - Local Agency
 2. Copy - Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814

INSTRUCTIONS – CONSULTANT CONTRACT DBE COMMITMENT**CONSULTANT SECTION**

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. **Project Location** - Enter the project location as it appears on the project advertisement.
5. **Consultant's Name** - Enter the consultant's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
8. **Total Dollar Amount for ALL Subconsultants** - Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
9. **Total number of ALL subconsultants** - Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
10. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
11. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
12. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
13. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
14. **Total Claimed DBE Participation** - \$: Enter the total dollar amounts entered in the "DBE Dollar Amount" column. %: Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
15. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
16. **Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
17. **Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
18. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
19. **Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

20. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
21. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
22. **Contract Execution Date** - Enter the date the contract was executed.
23. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
24. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
25. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
26. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
27. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

Exhibit 17-F

DISTRIBUTION: Original – Local Agency, Copy – Caltrans District Local Assistance Engineer. Include with Final Report of Expenditures

Page 1 of 2
July 23, 2015

**INSTRUCTIONS – FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS
ENTERPRISES (DBE) AND FIRST-TIER SUBCONTRACTORS**

1. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
2. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
3. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
4. **Contract Completion Date** - Enter the date the contract was completed.
5. **Contractor/Consultant** - Enter the contractor/consultant's firm name.
6. **Business Address** - Enter the contractor/consultant's business address.
7. **Final Contract Amount** - Enter the total final amount for the contract.
8. **Contract Item Number** - Enter contract item for work, services, or materials supplied provided. Not applicable for consultant contracts.
9. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials provided. Indicate all work to be performed by DBEs including work performed by the prime contractor/consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
10. **Company Name and Business Address** - Enter the name, address, and phone number of all subcontracted contractors/consultants. Also, enter the prime contractor/consultant's name and phone number, if the prime is a DBE.
11. **DBE Certification Number** - Enter the DBE's Certification Identification Number. Leave blank if subcontractor is not a DBE.
12. **Contract Payments** - Enter the subcontracted dollar amount of the work performed or service provided. Include the prime contractor/consultant if the prime is a DBE. The Non-DBE column is used to enter the dollar value of work performed by firms that are not certified DBE or for work after a DBE becomes decertified.
13. **Date Work Completed** - Enter the date the subcontractor/subconsultant's item work was completed.
14. **Date of Final Payment** - Enter the date when the prime contractor/consultant made the final payment to the subcontractor/subconsultant for the portion of work listed as being completed.
15. **Original DBE Commitment Amount** - Enter the "Total Claimed DBE Participation Dollars" from Exhibits 15-G or 10-O2 for the contract.
16. **Total** - Enter the sum of the "Contract Payments" Non-DBE and DBE columns.
17. **Contractor/Consultant Representative's Signature** - The person completing the form on behalf of the contractor/consultant's firm must sign their name.
18. **Contractor/Consultant Representative's Name** - Enter the name of the person preparing and signing the form.
19. **Phone** - Enter the area code and telephone number of the person signing the form.
20. **Date** - Enter the date the form is signed by the contractor's preparer.
21. **Local Agency Representative's Signature** - A Local Agency Representative must sign their name to certify that the contracting records and on-site performance of the DBE(s) has been monitored.
22. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative signing the form.
23. **Phone** - Enter the area code and telephone number of the person signing the form.
24. **Date** - Enter the date the form is signed by the Local Agency Representative.

EXHIBIT F

REQUIRED FEDERAL CONTRACT PROVISIONS

The following provisions, if applicable, are hereby included in and made part of the attached Agreement between County of Mendocino (COUNTY) and GEI Consultants, Inc. (CONSULTANT).

I. BREACH OF CONTRACT TERMS [2 CFR § 200 Appendix II(A)]

Any violation or breach of terms of this contract on the part of the Consultant or its subcontractors may result in the suspension or termination of this contract or such other action that may be necessary to enforce the rights of the parties of this agreement.

County will provide Consultant written notice that describes the nature of the breach and corrective actions the Consultant must undertake in order to avoid termination of the contract. County reserves the right to withhold payments to Consultant until such time the Consultant corrects the breach or the County elects to terminate the contract. The County's notice will identify a specific date by which the Consultant must correct the breach. County may proceed with termination of the contract if the Consultant fails to correct the breach by the deadline indicated in the County's notice.

The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder are in addition to, and not a limitation of, any duties, obligations, rights and remedies otherwise imposed or available by law.

II. TERMINATION OF CONTRACT [2 CFR § 200 Appendix II(B)]

TERMINATION FOR CONVENIENCE (PROFESSIONAL SERVICES)

The County may, by written notice to the Consultant, terminate this Agreement for its convenience and without cause or default on the part of Consultant. Upon receipt of the notice of termination, except as explicitly directed by the County, the Consultant must immediately discontinue all services affected.

Upon termination of the Agreement, the Consultant must deliver to the County all data, surveys, models, drawings, specifications, reports, maps, photographs, estimates, summaries, and other documents and materials prepared by the Consultant under this contract, whether complete or partially complete.

County agrees to make just and equitable compensation to the Consultant for satisfactory work completed up through the date the Consultant receives the termination notice. Compensation will not include anticipated profit on non-performed services.

County further agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

TERMINATION FOR DEFAULT (PROFESSIONAL SERVICES)

Either party may terminate this Agreement for cause if the other party fails to fulfill its obligations that are essential to the completion of the work per the terms and conditions of the Agreement. The party initiating the termination action must allow the breaching party an opportunity to dispute or cure the breach.

The terminating party must provide the breaching party [7] days advance written notice of its intent to terminate the Agreement. The notice must specify the nature and extent of the breach, the conditions necessary to cure the breach, and the effective date of the termination action. The rights and remedies in this clause are in addition to any other rights and remedies provided by law or under this agreement.

- a) Termination by County: The County may terminate this Agreement in whole or in part, for the failure of the Consultant to:
 - 1. Perform the services within the time specified in this contract or by County approved extension;
 - 2. Make adequate progress so as to endanger satisfactory performance of the Project; or
 - 3. Fulfill the obligations of the Agreement that are essential to the completion of the Project.

Upon receipt of the notice of termination, the Consultant must immediately discontinue all services affected unless the notice directs otherwise. Upon termination of the Agreement, the Consultant must deliver to the County all data, surveys, models, drawings, specifications, reports, maps, photographs, estimates, summaries, and other documents and materials prepared by the Engineer under this contract, whether complete or partially complete.

County agrees to make just and equitable compensation to the Consultant for satisfactory work completed up through the date the Consultant receives the termination notice. Compensation will not include anticipated profit on non-performed services.

County further agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

If, after finalization of the termination action, the County determines the Consultant was not in default of the Agreement, the rights and obligations of the parties shall be the same as if the County issued the termination for the convenience of the County.

- b) Termination by Consultant: The Consultant may terminate this Agreement in whole or in part, if the County:
 - 1. Defaults on its obligations under this Agreement;
 - 2. Fails to make payment to the Consultant in accordance with the terms of this Agreement;

3. Suspends the Project for more than [180] days due to reasons beyond the control of the Consultant.

Upon receipt of a notice of termination from the Consultant, County agrees to cooperate with Consultant for the purpose of terminating the agreement or portion thereof, by mutual consent. If County and Consultant cannot reach mutual agreement on the termination settlement, the Consultant may, without prejudice to any rights and remedies it may have, proceed with terminating all or parts of this Agreement based upon the County's breach of the contract.

In the event of termination due to County breach, the Consultant is entitled to invoice County and to receive full payment for all services performed or furnished in accordance with this Agreement and all justified reimbursable expenses incurred by the Consultant through the effective date of termination action. County agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

III. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT [2 CFR § 200, Appendix II(G)]

Consultant agrees to comply with all applicable standards, orders, and regulations issued pursuant to the Clean Air Act (42 USC § 740-7671q) and the Federal Water Pollution Control Act as amended (33 USC § 1251-1387). The Consultant agrees to report any violation to the County immediately upon discovery. The County assumes responsibility for notifying the Environmental Protection Agency (EPA) and the Federal Funding Agency.

Consultant must include this requirement in all subcontracts that exceeds \$150,000.

IV. DEBARMENT AND SUSPENSION [2 CFR § 200, Appendix II(H)]

By entering into this Agreement, the Consultant certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

This Agreement is a covered transaction for purposes of 2 C.F.R. Part 180 and 2 C.F.R. Part 3000. As such, the Consultant is required to verify that none of the Consultant's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The Consultant must comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by County. If it is later determined that the Consultant did not comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, in addition to remedies available to County, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.

The Consultant agrees to comply with the requirements of 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Consultant further agrees to include a provision requiring such compliance in its lower tier covered transactions.

V. LOBBYING AND INFLUENCING FEDERAL EMPLOYEES [31 USC § 1352 – Byrd Anti-Lobbying Amendment, 2 CFR part 200, Appendix II(I)]

Consultants who apply or bid for an award of more than \$100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the federal awarding agency.

CERTIFICATION REGARDING LOBBYING

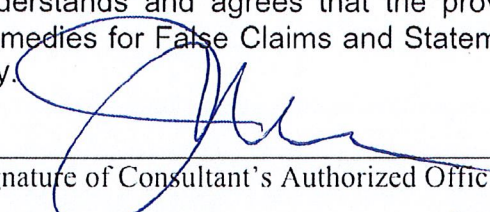
The Consultant certifies by entering into this contract, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Consultant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a

prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Consultant, GEI Consultants, Inc., certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Consultant understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.



Signature of Consultant's Authorized Official

JOHN WOODLING, VICE PRESIDENT

Name and Title of Consultant's Authorized Official

10/8/2021

Date

VI. PROCUREMENT OF RECOVERED MATERIALS

- (1) In the performance of this contract, the Consultant shall make maximum use of the products containing recovered materials that are EPA-designated items unless the product cannot be acquired:
 - a. Competitively within a timeframe providing for compliance with the contract performance schedule;
 - b. Meeting contract performance requirements; or
 - c. At a reasonable price.
- (2) Information about this requirement, along with a list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines website:
<https://www.epa.gov/smm/comprehensive-preprocurement-guideline-cpg-program>.
- (3) The Consultant also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

VII. PROHIBITION ON CONTRACTING FOR COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES

- (a) *Definitions.* As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or services have the meaning as defined in FEMA Policy 405-143-1, Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim), as used in this clause—
- (b) *Prohibitions.*

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug.13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the Consultant and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:

(i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or

(iv) Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) *Exceptions.*

(1) This clause does not prohibit contractors from providing—

(i) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to:

(i) Covered telecommunications equipment or services that:

i. Are *not used* as a substantial or essential component of any system; and

ii. Are *not used* as critical technology of any system.

(ii) Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

(d) Reporting requirement.

(1) In the event the Consultant identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the Consultant is notified of such by a subcontractor at any tier or by any other source, the Consultant shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.

(2) The Consultant shall report the following information pursuant to paragraph (d)(1) of this clause:

(i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the Consultant shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) *Subcontracts.* The Consultant shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments.

VIII. DOMESTIC PREFERENCE FOR PROCUREMENTS

As appropriate, and to the extent consistent with law, the Consultant should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes, but is not limited to iron, aluminum, steel, cement, and other manufactured products.

For purposes of this clause:

Produced in the United States means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

Manufactured products mean items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

IX. CHANGE IN TERMS

This Agreement may be amended or modified only by mutual written agreement of the parties.

Consultant shall only commence work covered by an amendment after the amendment is executed and notification to proceed has been provided by County.

There shall be no change in Consultant's Project Manager or members of the project team, as listed in the approved Cost Proposal, which is a part of this Agreement without prior written approval by County.

X. ACCESS TO RECORDS AND REPORTS [2 CFR § 200.333, 2 CFR § 200.336]

The following access to records requirements apply to this contract:

- (1) The Consultant agrees to provide County, the Federal Agency Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Consultant which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.
- (2) The Consultant agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- (3) The Consultant agrees to provide the Federal Agency Administrator or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.
- (4) In compliance with the Disaster Recovery Act of 2018, the County and the Consultant acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the Federal Agency Administrator or the Comptroller General of the United States.

XI. COMPLIANCE WITH FEDERAL LAW, REGULATIONS, AND EXECUTIVE ORDERS

This is an acknowledgement that Federal financial assistance may be used to fund all or a portion of the contract. The Consultant will comply with all applicable Federal law, regulations, executive orders, policies, procedures, and directives.

XII. NO OBLIGATION BY FEDERAL GOVERNMENT

The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Consultant, or any other party pertaining to any matter resulting from the contract.

XIII. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

The Consultant acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the Consultant's actions pertaining to this contract.

EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

| | | |
|--|---|--|
| 1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance | 2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award | 3. Report Type: <input type="checkbox"/> a. initial <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____ |
| 4. Name and Address of Reporting Entity <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known Congressional District, if known _____ | 5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: _____ _____ Congressional District, if known _____ | |
| 6. Federal Department/Agency: _____ | 7. Federal Program Name/Description: _____ CFDA Number, if applicable _____ | |
| 8. Federal Action Number, if known: _____ | 9. Award Amount, if known: _____ | |
| 10. Name and Address of Lobby Entity (If individual, last name, first name, MI) _____ _____ (attach Continuation Sheet(s) if necessary) | 11. Individuals Performing Services (including address if different from No. 10) (last name, first name, MI) _____ _____ (attach Continuation Sheet(s) if necessary) | |
| 12. Amount of Payment (check all that apply) \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned | 14. Type of Payment (check all that apply) <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify _____ | |
| 13. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ Value _____ | 15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 12: _____ (attach Continuation Sheet(s) if necessary) | |
| 16. Continuation Sheet(s) attached: Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| 17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. | | |
| Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____ | | |
| Authorized for Local Reproduction Standard Form - LLL | | |

Standard Form LLL Rev. 04-28-06

Distribution: Orig- Local Agency Project Files

INSTRUCTIONS FOR COMPLETING EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient at the initiation or receipt of covered federal action or a material change to previous filing pursuant to title 31 U.S.C. Section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is or has been secured to influence, the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to: subcontracts, subgrants, and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state, and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant, or loan award number, the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered federal action where there has been an award or loan commitment by the Federal agency, enter the federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered federal action.
11. Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
12. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
13. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
14. Check all boxes that apply. If other, specify nature.
15. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with federal officials. Identify the federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
16. Check whether or not a continuation sheet(s) is attached.
17. The certifying official shall sign and date the form, and print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30-minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503. SF-LLL-Instructions Rev. 06-04



Mendocino County Board of Supervisors Agenda Summary

Item #: 5e)

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: November 9, 2021

Department Contact: Nash Gonzalez

Phone: 234-6650

Department Contact: Julia Krog

Phone: 234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 45 minutes

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action Including (1) Adoption of a Resolution Amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 (GP_2018-0003) to Establish Policies for Accessory Dwelling Units in the Coastal Zone of Mendocino County; and (2) Adoption of an 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 (OA_2018-0009), to Establish Regulations for Accessory Dwelling Units in the Coastal Zone

(Sponsor: Planning and Building Services)

Recommended Action/Motion:

(1) Adopt Resolution amending Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 (GP_2018-0003) to establish policies for Accessory Dwelling Units in the Coastal Zone of Mendocino County and authorize Chair to sign same; and (2) Adopt an 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 (OA_2018-0009), to establish regulations for Accessory Dwelling Units in the Coastal Zone; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On October 2, 2018, the Mendocino County Board of Supervisors adopted an ordinance amending the Mendocino County Inland Zoning Code (Title 20-Division I of the Mendocino County Code) to update regulations for accessory dwelling units (ADUs). At that time, the Board directed staff to prepare an amendment to the Local Coastal Program (LCP) to establish regulations for ADUs in the coastal zone of Mendocino County.

On November 5, 2019, the Board received a recommendation from the Planning Commission, and adopted Resolution No. 19-378 authorizing submittal of an LCP Amendment application to the California Coastal Commission to establish policies and regulations for ADUs in the coastal zone of Mendocino County. The LCP Amendment is comprised of an amendment of the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and an amendment of the Mendocino County Coastal Zoning Code (Title 20-Division II of the Mendocino County Code) (OA_2018-0009).

On June 9, 2021, the Board received a staff report regarding Coastal Commission staff's recommended modifications to the LCP Amendment. The Board directed County staff to request that Coastal Commission

Item #: 5e)

staff revise their recommended modification requiring that ADUs on lands with resource zoning designations (AG, RL, FL, TPZ) be clustered with the primary residence to establish a maximum 100-foot setback requirement rather than the 50-foot maximum recommended by Coastal Commission staff.

Summary of Request:

The LCP Amendment application was submitted to the Coastal Commission on March 16, 2020 (LCP-1-MEN-20-0021-1). Commission staff accepted the application for filing and requested supplemental information. In response, the County submitted additional analysis and documentation to address the stated concerns about protection of agricultural and timber resources, traffic capacity on State Route 1, adequacy of water and sewer services, protection of environmentally sensitive habitat areas, consistency with recent amendments to State ADU laws, and the Commission's environmental review obligations. Included in the County's submittals were a number of "friendly modifications" to the LCP Amendment that were requested by County staff to provide clarification, correct inconsistencies, and address new ADU laws that took effect after the Board's action on the application.

Commission staff deemed the LCP Amendment application to be complete on November 17, 2020. On February 12, 2021, the Coastal Commission granted itself a one-year extension to the 90-day time limit for Coastal Commission action on the proposed LCP Amendment. On September 9, 2021, the Coastal Commission certified the County's LCP Amendment with suggested modifications, including the "friendly modifications" requested by County Staff and the direction received by the Board on June 9, 2021.

On October 7, 2021, the Planning Commission unanimously adopted Resolution No. PC_2021-0012, which recommends that the Board of Supervisors approve the LCP Amendment consisting of GP_2018-0003 and OA_2018-0009 with suggested modifications per the Coastal Commission's certification action on September 9, 2021, and with two minor modifications to OA_2018-0009, as follows (additions are shown in underlined text; deletions are shown in ~~striketrough~~ text).

- Modify Section 20.458.025(A) to read: "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 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 more than one detached bedroom on the parcel.
- Correct typo in Section 20.536.005(D) to delete extra word: "to ~~approve~~ act"

The second edit has been incorporated into the ordinance that is presented to the Board of Supervisors. However, after further review by County and Coastal Commission staff, it was determined that the changes to Section 20.458.025(A) would substantively alter the meaning of the section and create inconsistencies within the ordinance rather than providing clarification as intended by the Planning Commission.

In order for the Board of Supervisors to adopt the Local Coastal Program Amendment, two actions are needed: (1) Adoption of resolution amending the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and (2) Adoption of an 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 (OA_2018-0009).

The LCP Amendment will become effective after the Executive Director of the Coastal Commission confirms that the LCP Amendment adopted by the County is consistent with the Coastal Commission's certification action and his determination is reported to the Coastal Commission.

Alternative Action/Motion:

Continue action on GP_2018-0003 and OA_2018-0009 and provide direction to staff regarding additional modifications.

It is noted that substantive modifications will require submittal of a revised LCP Amendment application to

Item #: 5e)

the Coastal Commission and actions by the Coastal Commission and the Mendocino County Planning Commission prior to returning to the Board for adoption of a revised LCP Amendment.

How Does This Item Support the General Plan? The LCP Amendment aligns with General Plan policies encouraging the development of an adequate supply of housing. The LCP Amendment helps implement the following policies of the 2019-2027 Update to the Housing Element of the General Plan:

- Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
- Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
- Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
- Policy 3.2 - Promote the development of ADUs.
- Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.

Supervisory District: DISTRICT 4 & 5

vote requirement: Majority

Supplemental Information Available Online At:

<https://www.mendocinocounty.org/government/planning-building-services/public-notices>

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item Number:



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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October 19, 2021

TO: Independent Coast Observer, Fort Bragg Advocate News, and Ukiah Daily Journal
FROM: James Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice

Please publish the following notice at least 1/8 page size, one time on October 28, 2021 in the Legal Notices Section of the Fort Bragg Advocate News and Ukiah Daily Journal and one time on October 29, 2021 in the Legal Notices Section of the Independent Coast Observer.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors, at its regular meeting on Tuesday, November 9, 2021, at 9:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the Local Coastal Program Amendment listed below. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

CASE#: OA_2018-0009/GP_2018-0003

DATE FILED: 12/31/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

REQUEST: Consider adoption of Local Coastal Program Amendment comprised of General Plan Amendment GP_2018-0003 amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9; and Ordinance Amendment OA_2018-0009 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 for Accessory Dwelling Units in the Coastal Zone.

ENVIRONMENTAL DETERMINATION: Statutory Exemption pursuant to Public Resources Code section 21080.17

LOCATION: Within the unincorporated areas of Mendocino County located inside the Coastal Zone boundary (Mendocino County Code, Title 20, Division II), excluding the Town of Mendocino (Mendocino County Code, Title 20, Division III).

SUPERVISORIAL DISTRICT: 4 & 5

STAFF PLANNER: JULIA KROG

PLANNING COMMISSION RECOMMENDATION: The Planning Commission, at its October 7, 2021 meeting, adopted a resolution making a recommendation to the Board of Supervisors that it adopt GP_2018-0003 amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 and OA_2018-0009 amending the Mendocino County Code, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 related to Accessory Dwelling Units, with modifications made at the meeting and as specified in their resolution.

The Planning Commission's resolution, draft ordinance, staff reports, notices and related materials will be available for public review 10 days prior to the scheduled hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/public-notices>.

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to bos@mendocinocounty.org, through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>. All written public comment will be made available to the Supervisors, staff, and the general public after processing by Clerk of the Board staff, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>.

For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Clerk of the Board of Supervisors or the Board of Supervisors at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Clerk of the Board of Supervisors at 707-463-4441, or the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the decision of the Board of Supervisors you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact Clerk of the Board of Supervisors at 707-463-4441 at least five days prior to the meeting.

IGNACIO GONZALEZ, Interim Director of Planning & Building Services



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: NOVEMBER 9, 2021

TO: HONORABLE BOARD OF SUPERVISORS

FROM: PLANNING & BUILDING SERVICES & NORTH COAST COMMUNITY PLANNING

SUBJECT: ADOPTION OF LOCAL COASTAL PROGRAM AMENDMENT TO ESTABLISH
REGULATIONS FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF
MENDOCINO COUNTY (GP_2018-0003 & OA_2018-0009)

On November 5, 2019, the Board of Supervisors adopted Resolution No. 19-378 authorizing submittal of a Local Coastal Program ("LCP") Amendment to the California Coastal Commission ("Commission"). The LCP Amendment consists of an amendment to the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and an amendment of the Mendocino County Coastal Zoning Code (Title 20 – Division II of the Mendocino County Code)(OA_2018-0009) to establish regulations for Accessory Dwelling Units ("ADU") in the Coastal Zone of Mendocino County.

The LCP Amendment application was submitted to the Coastal Commission on March 16, 2020 (LCP-1-MEN-20-0021-1). Commission staff accepted the application for filing and requested supplemental analysis and documentation to address concerns about protection of agricultural and timber resources, traffic capacity on State Route 1, adequacy of water and sewer services, protection of environmentally sensitive habitat areas, consistency with recent amendments to State ADU laws, and the Commission's environmental review obligations. Included in the County's submittals were a number of "friendly modifications" to the LCP Amendment that were requested by County staff to provide clarification, correct inconsistencies, and address new ADU laws that took effect after the Board's action on the LCP Amendment application.

Commission staff deemed the LCP Amendment application complete on November 17, 2020. On February 12, 2021, the Coastal Commission granted itself a one-year extension to the 90-day time limit for Coastal Commission action on the proposed LCP Amendment.

On June 9, 2021, the Board of Supervisors received a status update and provided direction to staff regarding "suggested modifications" to the LCP Amendment that were proposed by Coastal Commission staff. Commission staff subsequently agreed to the one revision requested by the Board, an increase to the maximum allowable setback between an ADU and a primary residence on lands with AG and RL zoning. The maximum setback was increased from 50 feet (original Coastal Commission staff recommendation) to 100 feet (a compromise position sought by the County).

On September 9, 2021, the Coastal Commission took action to certify the LCP Amendment with "suggested modifications" as shown in Attachment 1 and Attachment 2, including the "friendly modifications" requested by County Staff and both the prohibition on short-term rental use on properties with an ADU and clustering of ADUs on lands with resource zoning designations (AG, RL, FL, TPZ) at a maximum of 100 feet from the primary residence:

Attachment 1 shows sections of the currently certified Coastal Element of the Mendocino

County General Plan in plain text with additions and deletions proposed in the County's LCP Amendment shown in underlined text and ~~strike-out text~~. The Coastal Commission's "suggested modifications" are shown in red, bold, double-underlined text and ~~double-strike-out text~~. The proposed amendments to the Local Coastal Program Land Use Plan (GP_2018-0003) consists of modifications to three policies in Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan.

Attachment 2 shows sections of the currently certified Mendocino County Coastal Zoning Code (Title 20-Division II of the Mendocino County Code) in plain text with additions and deletions proposed in the County's LCP Amendment shown in underlined text and ~~strike-out text~~. The Coastal Commission's "suggested modifications" are shown in red, bold, double-underlined text and ~~double-strike-out text~~. The proposed amendments to the Local Coastal Program Implementation Program (OA_2018-0009) remove the prohibition on ADUs and establish regulations for development of ADUs and Junior ADUs ("JADUs") in the coastal zone. OA_2018-0009 amends 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.

On October 7, 2021, the Planning Commission conducted a public hearing on the LCP Amendment for ADUs and adopted Resolution No. PC_2021-0012 (Attachment 3) providing a formal written recommendation to the Board of Supervisors supporting adoption of GP_2018-0003 and OA_2018-0009. The Planning Commission suggested two minor revisions to OA_2018-0009 as follows:

- Modify Section 20.458.025(A) to read: "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 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 more than one detached bedroom on the parcel.
- Correct typo in Section 20.536.005(D) to delete extra word: "to approve act"

As noted in the Agenda Summary, the Planning Commission recommendation to add "more than one" to section 20.458.025(A) is not recommended by County and Coastal Commission staff. This change was originally recommended by the Planning Commission to provide clarification. After further review, it was determined that the phrase would substantively alter the meaning of the section and create inconsistencies within the ordinance. The language change creates a potential conflict between the limitations on Accessory Living Units contained in section 20.456.015(G) and could create issues on sites that contain a guest cottage and detached bedroom. Coastal Commission staff confirmed, on October 26, 2021, that this change would make a substantive change to the standard and, if adopted, would trigger the need for a resubmittal of the Local Coastal Program amendment and a new Coastal Commission hearing, delaying this amendment by many months. As such, staff recommends that the Board does not adopt this change and has not included it in the Ordinance (Attachment 5) before the Board.

After the Planning Commission's review of the ordinance, staff noticed that the order of the sections in the ordinance relating to renumbering of sections in Chapter 20.536 needed to be revised to ensure proper amendment and codification. The sections within the redline Ordinance (Attachment 2) remain as they were originally presented to the Planning Commission and Coastal Commission, and the sections within the clean Ordinance (Attachment 5) have been corrected (sections 24 through 28). This change to the order of the sections within the Ordinance does not affect the substance of the ordinance, and the content is the same as what was reviewed by the Planning Commission and Coastal Commission.

In order for the Board of Supervisors to adopt the Local Coastal Program Amendment (GP_2018-0003 and OA_2018-0009), staff recommends that the following two actions be taken at the November 9, 2021 meeting:

1. Adopt a Resolution of the the Mendocino County Board of Supervisors adopting an amendment of the Coastal Element of the Mendocino County General Plan (GP_2018-0003) to establish regulations for accessory dwelling units in the coastal zone of Mendocino County ([Attachment 4](#)).
2. Adopt an 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 (OA_2018-0009) ([Attachment 5](#)).

Once the County's process for adopting the LCP Amendment is completed, the Executive Director of the Coastal Commission must confirm that the County's actions are consistent with those taken by the Coastal Commission on September 9, 2021 and then report his findings to the Coastal Commission. When that has occurred, the LCP Amendment will become effective and the County may begin implementation. That is expected to occur in early 2022.

GENERAL PLAN CONSISTENCY ANALYSIS: The 2019-2027 Housing Element of the General Plan contains the following policies related to Accessory Residential/Second Residential Units:

- Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
- Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
- Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
- Policy 3.2 - Promote the development of ADUs.
- Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.

Staff recommends that the Board find that the proposed amendments are consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Housing Element. The amendments align with the County's intention of encouraging and facilitating the development of an adequate supply of housing and specifically promoting the development of ADUs within the Coastal Zone.

ENVIRONMENTAL DETERMINATION:

Pursuant to CEQA Guidelines Section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code", is statutorily exempt from CEQA, based on Public Resources Code section 21080.17.

In addition, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal act (Public Resources Code Section 30000 et seq.), 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.

ATTACHMENTS:

1. Coastal Element of the General Plan - LCP Amendment with Suggested Modifications (GP_2018-0003)
2. Coastal Zoning Code - LCP Amendment with Suggested Modifications (OA_2018-0009)
3. Planning Commission Resolution No. 2021-0012
4. Board of Supervisors Resolution Adopting Coastal Element Amendments (GP_2018-0003)
5. Ordinance Amending Coastal Zoning Code (OA_2018-0009)
6. California Coastal Commission Hearing Packet (September 9, 2021)
7. Planning Commission Hearing Packet (October 7, 2021)

ATTACHMENT 1

GP_2018-0003, COASTAL ELEMENT/LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT (with Coastal Commission Suggested Modifications)

Language of the currently certified Land Use Plan (LUP) is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

The Coastal Commission's suggested modification additions and deletions are shown in **bold, double-underlined text** and ~~**bold, double-strike-out text**~~, respectively.

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] **as follows:**

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.**

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] **as follows:**

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.** Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] **as follows:**

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

ATTACHMENT 2

OA_2018-0009, COASTAL ZONING CODE/LOCAL COASTAL PROGRAM IMPLEMENTATION PROGRAM AMENDMENT (with Coastal Commission Suggested Modifications)

Relevant excerpts of the County's Implementation Program (IP) are included below to show the context of the County's proposed changes to the IP in concert with the Commission staff's suggested modifications.

Language of the currently certified IP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

The Coastal Commission's suggested modification additions and deletions are shown in red, bold, double-underlined text and ~~red, bold, double-strike-out text~~, respectively.

NOTE: The suggested modifications include "friendly modifications" requested by the County after submittal of the LCP application to make minor corrections, provide clarification and address recent changes in State ADU laws.

ORDINANCE NO. _____

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).

- (~~GH~~) "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 accessory dwelling unit ADU as defined in Section 20.308.020(G), or a JADU as defined in Section 20.308.065(A).
- (~~HJ~~) Accessory Structure. See Accessory Building.
- (~~IJ~~) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (~~JK~~) "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.
- (~~KL~~) "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.
- (~~LM~~) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (~~MN~~) "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.
- (~~NO~~) "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.
- (~~OP~~) "Animal Raising." See Light Agriculture.
- (~~PQ~~) "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.
- (~~QR~~) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (~~RS~~) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (~~ST~~) "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.
- (~~TU~~) "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.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII 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.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).

- (X~~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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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 ~~accessory dwelling unit 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 ~~junior accessory dwelling unit~~ JADU that includes the following:
- ~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~
- ~~(12) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~
- ~~(23) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit JADU.~~
- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "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.
- (DE) "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.
- (EF) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "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.
- (GH) "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.
- (HI) "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 ~~a legally authorized an existing or proposed~~ single-family dwelling. A junior accessory dwelling unit 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 ~~structure~~ single-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).

- (AB) "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).

(A4) "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.

(B2) 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)).

(D3) "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.

(E4) "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.

(F5) Living Unit, Accessory. See Accessory Living Unit.

(G6) "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.

(H7) "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.

(I8) Lodging house. See Hotel.

(J9) "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.

(K40) "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.

(L44) "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.

~~(M42)~~ "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.

~~(N43)~~ "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

~~(Q44)~~ "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

~~(P45)~~ "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

~~(Q46)~~ "Lot, Interior" means a lot other than a corner lot.

~~(R47)~~ "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.

~~(S48)~~ "Lot Line" means any property line bounding a lot.

~~(149)~~ "Lot Line, Exterior" means a property line abutting a public or private road or street.

~~(220)~~ "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.

~~(324)~~ "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.

~~(422)~~ "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

~~(523)~~ "Lot Line, Street" means any lot line abutting on a street.

~~(624)~~ "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.

~~(T25)~~ Lot Size. See Lot Area.

~~(U26)~~ "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

~~(V27)~~ "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:

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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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). ~~Accessory dwelling units ADUs and junior accessory dwelling units 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 ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for each legal parcel. ~~An accessory dwelling unit ADU and/or a junior accessory dwelling unit 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 in on properties with an accessory dwelling unit ADU and/or a junior accessory dwelling unit 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 or 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 - ~~SECOND RESIDENTIAL~~ 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 ~~second residential units~~ **accessory dwelling units 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 ~~accessory dwelling units ADUs and JADUs~~ **ADUs and JADUs** with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ~~accessory dwelling units ADUs and JADUs~~ **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 ~~accessory dwelling units ADUs and JADUs~~ **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:

Sec. 20.458.010 - ~~Prohibition.~~

The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

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

Any change to the cap on the number of ~~accessory dwelling units 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) ~~accessory dwelling units ADUs shall may~~ be permitted. ~~JADUs are exempted from this cap.~~ When this number has been reached, a review shall be conducted to determine if ~~accessory dwelling units ADUs~~ are meeting the intent of providing additional affordable housing and whether additional ~~accessory dwelling units ADUs~~ can be accommodated. Any change to the maximum number of ~~accessory dwelling units 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:

Sec. 20.458.015 – Findings.

Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.

Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.

Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.

When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:

- (1) ~~The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- (2) ~~Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- (3) ~~Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.

The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.

Section 20.458.015 - Permit.

~~Accessory dwelling units ADUs or junior accessory dwelling units JADUs~~ may be permitted in any zone that allows residential uses as a permitted or conditional use. ~~Accessory dwelling units ADUs or junior accessory dwelling units 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) ~~or~~
~~(E).~~

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

Sec. 20.458.020 – Gualala Town Plan Second Residential Units.

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- (A) **Permit requirement.** ~~A standard Coastal Development Permit shall be required for all second residential units.~~
- (B) **Number of Second Residential Units.** ~~Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~
- (C) **Permitted locations for Second Residential Units.**
 - (1) ~~Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
 - (2) ~~Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~

- (3) ~~Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~
- (4) ~~Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~

~~(D) Specific Standards for Second Residential Units.~~

- (1) ~~All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
- (2) ~~On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second-story to a detached garage.~~
- (3) ~~Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- (4) ~~Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- (5) ~~Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- (6) ~~Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- (7) ~~Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~

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

~~Accessory dwelling units (ADUs) and junior accessory dwelling units (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 or for which a building permit has been issued for the 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, detached bedroom, guest cottage, 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 as a vacation home rental or by transient guests 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 ~~the pertinent restrictions and limitations for the ADU and/or JADU~~ (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, and which shall run with the land, and be binding upon any future owners, heirs, or assigns.
- ~~(3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.~~

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, or if there currently exists more than one guest cottage 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, lot coverage, 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 garage-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.

(EC) 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.~~

~~(3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.~~

(FD) 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) ~~A-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, ~~and interior access to the remainder of the single-family dwelling shall be maintained.~~

(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.
- ~~(D) ADUs are subject to the following floor area limitations:~~
 - ~~(1) For a detached ADU, total floor space may not exceed 960 square feet.~~
 - ~~(2) For an attached ADU, total floor space may not exceed 500 square feet.~~
- ~~(E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square feet.~~
- ~~(F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. 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 the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.~~

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, in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (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, in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~

- (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) ~~An ADUs and JADUs~~ may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within ~~an-existing 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 ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) ~~An ADUs and JADUs~~ may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within ~~an-existing 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 ~~this these~~ requirements may be authorized through the ~~standard 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** ~~visible~~ 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 the ~~standard 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 ~~or standard~~ 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 **located within 150 setback no greater than 100** feet ~~of from the~~ existing **or**

proposed legally-authorized structures 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 ~~only not~~ be located on ~~non-prime soils 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 ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ 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 ~~timber 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 ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ 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 ~~Floodplain ("FP") Combining District,~~ Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District unless a report, prepared by, An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where a licensed engineer can demonstrate that the proposed development is consistent with the standards established in ~~Chapter 20.492,~~ 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 20.458.020050 - 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 **principal 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.
- ~~(E) When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.~~

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) ~~Accessory dwelling unit~~ ADU: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) ~~Junior accessory dwelling unit~~ 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 Permit ~~s~~ 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 ~~accessory dwelling units 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.

(BC) 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.

(CD) 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.

(DE) 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) ~~Junior accessory dwellings units located entirely within an existing legally authorized single family residence which are consistent with the requirements of Chapter 20.458. ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.~~

~~Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.~~

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

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

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, Wwithin 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 application shall be deemed to have been approved. 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: 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) ~~Approval Action.~~ The Coastal Permit Administrator ~~may~~ 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-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 approve 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 approved-acted on;

- (~~56~~) 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;
- (~~67~~) A brief description of the general procedure concerning the conduct of ~~hearing and~~ 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;
- (~~78~~) 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 25: A new Section 20.536.~~004010~~ is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.~~004010~~- Coastal Development Ministerial Permits.

- (A) **Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for ~~accessory dwelling units~~ ADUs that meet the requirements specified in Chapter 20.458.
- (B) ~~Approval~~ **Action.** The Director or his/her designee ~~may approve~~ 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 ~~approve~~ 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 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.040015 - 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 20.536.404015(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: Section 20.536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.020025 - 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 20.536.004010.
- (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 20.536.004010, then the application shall thereafter be treated in the manner prescribed by Section 20.536.020025(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(B) 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.~~020025~~(C)(2) dealing with amendments to permits other than administrative permits.

(G) 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.~~040015~~.

Section 28: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.~~025030~~ - Renewal.

Section 20.536.~~030035~~ - Revocation or Modification by the County.

Section 20.536.~~035040~~ - Assignment of Permits.

Section 20.536.~~040045~~ - Reapplication.

Section 20.536.~~045050~~ - Nuisance.

Section 20.536.~~050055~~ - Notice to Assessor.

Section 20.536.~~055060~~ - Permits for Approval of Emergency Work.

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 ministerial coastal development ministerial permits for accessory dwelling units 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.~~040015~~.

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.

Resolution Number PC_2021-0012

County of Mendocino
Ukiah, California
October 7, 2021

GP_2018-0003/OA_2018-0009

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED AMENDMENTS TO THE MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT, CHAPTERS 3.2, 3.3, AND 3.9 AND MENDOCINO COUNTY CODE, CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, AND 20.544 RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program (LCP) to address the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) within the unincorporated areas of Mendocino County in the coastal zone; and

WHEREAS, the LCP amendment requires modifications to the Coastal Element of the Mendocino County General Plan and the Coastal Zoning Code (Mendocino County Code, Title 20, Division II); and

WHEREAS, the Mendocino County Planning Commission held a public hearing on July 18, 2019, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, voted to recommend that the Board of Supervisors authorize submittal of the LCP amendment to establish regulations for accessory dwelling units; and

WHEREAS, on November 5, 2019, the Board of Supervisors of Mendocino County held a public hearing and adopted Resolution No. 19-378, which authorized the County to submit a LCP amendment application (LCP-1-MEN-20-0021-1) to the California Coastal Commission, consisting of amendments to the Coastal Element of the Mendocino County General Plan, and said application was accepted for filing by the Coastal Commission on March 30, 2020; and

WHEREAS, on September 9, 2021, the California Coastal Commission took action to certify the County's proposed LCP amendment with the incorporation of "suggested modifications" as recommended by Coastal Commission staff; and

WHEREAS, pursuant to Gov't. Code Sections 65354 and 65855, the Planning Commission is to provide its report and recommendation to the Board of Supervisors on general plan and zoning amendments; and

WHEREAS, the LCP amendment with suggested modifications (the "Project") consists of an amendment to the Coastal Element of the Mendocino County General Plan (GP_2018-0003) which is attached to this Resolution as Exhibit A and incorporated herein by reference, and an amendment to the Mendocino County Code, Title 20, Division II (OA_2018-0009), which is attached to this Resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement the provisions of Gov't. Code Section 65852.1 or 65852.2 regulating the construction of dwelling units and accessory dwelling units; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 7, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the Project.

NOW, THEREFORE BE IT RESOLVED, based upon the evidence in the record, that the Planning Commission makes the following General Plan consistency findings:

1. The Housing Element of the General Plan contains the following policies related to Accessory Dwelling Units:
 - Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
 - Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
 - Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
 - Policy 3.2 - Promote the development of ADUs.
 - Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.
2. The proposed Project is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element.
3. The proposed Project aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.
4. The Planning Commission recommends that the Board of Supervisors adopt Ordinance Amendment and General Plan Amendment OA_2018-0009/GP_2018-0003, recommending the following additional changes:
 - a. Consider modification of the wording in section 20.458.025(A) to include an "and/or" regarding if there currently exists more than one dwelling unit on the parcel and/or guest cottage and/or more than one detached bedroom.
 - b. Correct typo in 20.536.005(d) showing "approved".

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of Planning and Building Services, 860 N. Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21087.17.

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record, hereby recommends that the Board of Supervisors approve the Local Coastal Program amendment with suggested modifications per the California Coastal Commission's certification action taken on September 9, 2021, by adopting a resolution amending Chapters 3.2, 3.3 and 3.9 of the Coastal Element of the General Plan and by adopting an 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.

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

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

IGNACIO GONZALEZ, Interim Director
Dept of Planning & Building Services

ALISON PERNELL, Chair
Mendocino County Planning Commission

Alison Purnell

EXHIBIT A
COASTAL ELEMENT AMENDMENT (GP_2018-0003)

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] **as follows:**

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] **as follows:**

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] **as follows:**

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan

area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

EXHIBIT B
COASTAL ZONING CODE AMENDMENT (OA_2018-0009)

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472,
20.532, 20.536, and 20.544 OF TITLE 20, DIVISION II OF THE MENDOCINO
COUNTY CODE AMENDING DEFINITIONS AND REGULATIONS RELATED TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

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).
- (GH) "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).
- (HI) Accessory Structure. See Accessory Building.
- (IJ) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (JK) "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.
- (KL) "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.

- (~~LM~~) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (~~MN~~) "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.
- (~~NO~~) "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.
- (~~OP~~) "Animal Raising." See Light Agriculture.
- (~~PQ~~) "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.
- (~~QR~~) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (~~RS~~) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (~~ST~~) "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.
- (~~TU~~) "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.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII 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.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~XY~~) "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.

- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "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.
- (DE) "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.
- (EF) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "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.
- (GH) "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.
- (HI) "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).
- (AB) "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).

(A1) "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.

(B2) 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)).

(D3) "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.

(E4) "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.

(F5) Living Unit, Accessory. See Accessory Living Unit.

(G6) "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.

(H7) "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.

(I8) Lodging house. See Hotel.

(J9) "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.

(K10) "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.

(L11) "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.

(M12) "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.

(N13) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

(O14) "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

(P15) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

(Q16) "Lot, Interior" means a lot other than a corner lot.

(R17) "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.

(S18) "Lot Line" means any property line bounding a lot.

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

(220) "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.

(324) "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.

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

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

(624) "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.

(T25) Lot Size. See Lot Area.

(U26) "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

(V27) "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:

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 ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for 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 or 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 - SECOND RESIDENTIAL 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 ~~second residential units~~ 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:

~~Sec. 20.458.010 - Prohibition.~~

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.~~

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:

Sec. 20.458.015 – Findings.

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

~~The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.~~

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:

~~Sec. 20.458.020 – Gualala Town Plan Second Residential Units.~~

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- (A) **~~Permit requirement.~~** A standard Coastal Development Permit shall be required for all second residential units.
- (B) **~~Number of Second Residential Units.~~** Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.
- (C) **~~Permitted locations for Second Residential Units.~~**
 - (1) ~~Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
 - (2) ~~Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
 - (3) ~~Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~
 - (4) ~~Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~
- (D) **~~Specific Standards for Second Residential Units.~~**
 - (1) ~~All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
 - (2) ~~On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second-story to a detached garage.~~

- ~~(3) Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- ~~(4) Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- ~~(5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- ~~(6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- ~~(7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~

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, or if there currently exists more than one guest cottage 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 the 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 feet 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 Permit 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.
- (BC) **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.
- (CD) **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.
- (DE) **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 by
- ~~(C) The Planning Commission in the case of coastal development permits for conditional uses permits and divisions of land.~~

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

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, Wwithin 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 application shall be deemed to have been approved, 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: 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) **Approval Action.** The Coastal Permit Administrator ~~may 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 approve 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;
 - (56) 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;
 - (67) A brief description of the general procedure concerning the conduct of ~~hearing and~~ 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;
 - (78) 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 25: 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 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.040015 - 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 20.536.404015(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: Section 20.536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.020025 - 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.

(BC) 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 20.536.020025(C)(2) dealing with amendments to permits other than administrative permits.

(CD) 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 20.536.040015.

Section 28: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.025030 - Renewal.

Section 20.536.030035 - Revocation or Modification by the County.

Section 20.536.035040 - Assignment of Permits.

Section 20.536.040045 - Reapplication.

Section 20.536.045050 - Nuisance.

Section 20.536.050055 - Notice to Assessor.

Section 20.536.055060 - Permits for Approval of Emergency Work.

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 20.536.040015.

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.

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT, CHAPTERS 3.2, 3.3 AND 3.9 (GP_2018-0003) TO ESTABLISH POLICIES FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF MENDOCINO COUNTY

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program to address the development of accessory dwelling units and junior accessory dwelling units within the coastal zone of Mendocino County, in part to comply with its obligations to implement the provisions of Government Code Section 65852.2; and

WHEREAS, the Local Coastal Program amendment requires modifications to Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan ("General Plan amendment GP_2018-0003") which are attached to this Resolution as Exhibit A and incorporated herein by reference; and

WHEREAS, General Plan amendment GP_2018-0003, as shown in Exhibit A, includes all of the "Suggested Modifications" included in the California Coastal Commission's September 9, 2021 action to certify the Local Coastal Program amendment (LCP-1-MEN-20-0021-1); and

WHEREAS, pursuant to Government Code Sections 65354 and 65855, the Mendocino County Planning Commission held a public hearing on October 7, 2021, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, adopted Planning Commission Resolution No. PC_2021-0012, recommending that the Board of Supervisors adopt General Plan amendment GP_2018-0003 modifying Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan to establish regulations for accessory dwelling units, with modifications made at the meeting and as specified in their resolution; and

WHEREAS, the Planning Commission recommendation to add "more than one" to section 20.458.025(A) is not approved as it would substantively alter the meaning of the section and create inconsistencies within the ordinance rather than providing clarification as intended by the Planning Commission; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of policies and regulations to implement the provisions of Government Code Section 65852.2 addressing the construction of dwelling units and accessory dwelling units; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.), 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; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on November 9, 2021 on General Plan amendment GP_2018-0003, at which time the Board heard and received all relevant testimony and evidence presented orally or in writing regarding General Plan amendment GP_2018-0003; and

WHEREAS, the County of Mendocino provided public notice of the hearing in a newspaper

of general circulation on the amendment to the Local Coastal Program; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding General Plan amendment GP_2018-0003.

NOW, THEREFORE, BE IT RESOLVED that, based upon the evidence in the record, the Mendocino County Board of Supervisors makes the following findings and determinations:

1. General Plan amendment GP_2018-0003 aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.
2. General Plan amendment GP_2018-0003 is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element.
3. The 2019-2027 Housing Element of the General Plan contains the following policies related to Accessory Dwelling Units:
 - Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
 - Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
 - Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
 - Policy 3.2 - Promote the development of ADUs.
 - Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.
4. General Plan amendment GP_2018-0003 is intended to be carried out in a manner fully in conformity with the Coastal Act; and
5. General Plan amendment GP_2018-0003 is not subject to CEQA pursuant to Public Resources Code Section 21087.17; and
6. General Plan amendment GP_2018-0003 is not subject to CEQA pursuant to Public Resources Code Section 21080.9, 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; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors accepts and agrees to the California Coastal Commission suggested modifications to Local Coastal Program Amendment No. LCP-1-MEN-20-0021-1 (Accessory Dwelling Units); and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby adopts General Plan amendment GP_2018-0003 amending the Coastal Element of the Mendocino County General Plan to establish policies relating to the establishment of accessory dwelling units in the coastal zone of Mendocino County, with suggested modifications made by the California Coastal Commission, consistent with the Coastal Act and the Mendocino County General Plan; and

BE IT FURTHER RESOLVED that, pursuant to 14 Cal. Code Regs, Section 13544(c), General Plan amendment GP_2018-0003 shall become effective upon action by the California

Coastal Commission concurring with the Coastal Commission Executive Director's determination that General Plan amendment GP_2018-0003, 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; and

BE IT FURTHER RESOLVED, that the Mendocino County Board of Supervisors directs the Department of Planning and Building Services to prepare an updated version of the Mendocino County General Plan Coastal Element, for distribution to public entities and the general public pursuant to Government Code section 65357; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors agree to issue coastal development permits subject to the certified Mendocino County General Plan Coastal Element as amended.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this ____ day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

EXHIBIT A
MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT AMENDMENT
(GP_2018-0003)

LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] is modified as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] is modified as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] is modified as follows:

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may

also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

-end of amendment-

ORDINANCE NO.

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 EII 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 line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.
 - (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 or 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 ____ day of _____, 2021 by the following roll call vote:

AYES:
NOES:
ABSENT:

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

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

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8th STREET SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

Prepared August 20, 2021 for the September 9, 2021 Hearing

TO: Coastal Commissioners and Interested Persons

FROM: Kate Huckelbridge, Deputy Director
Robert S. Merrill, North Coast District Manager

SUBJECT: **County of Mendocino LCP Amendment No. LCP-1-MEN-20-0021-1**
(Accessory Dwelling Units)

SUMMARY OF STAFF RECOMMENDATION

The County of Mendocino (County) is proposing to amend the County's certified Land Use Plan (LUP) and Implementation Program (IP) to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

Given the rural nature of Mendocino County and the fact that the proposed ADU LCP amendment does not apply to the separately certified Mendocino Town segment of the County's LCP, the proposed LCP amendment primarily raises service capacity issues and issues regarding the protection of agricultural lands and timberlands. Highway capacity is perhaps the greatest constraint to expanded residential development because of the limited capacity of Highway 1 to accommodate additional growth and remain a scenic two-lane road in the rural County, consistent with Coastal Act section 30254. During the development of Mendocino County's LCP between 1985 and 1992, the limited capacity of Highway 1 caused the Commission to significantly reduce allowable residential buildout under the LCP. As a result, the currently certified LCP prohibits second residential units outside of the Gualala Town Plan area and Town of Mendocino until service capacity issues are addressed and resolved after preparation of an updated highway capacity study.

The County has provided evidence on traffic and housing volumes and growth rates and previous traffic studies to demonstrate that a 500-unit cap on ADUs will not result in a significant impact on Highway 1 traffic capacity. As proposed, the LCP amendment would allow a total of 500 ADUs (with no limit on JADUs) and require that prior to the submittal of any further LCP amendment to change to the 500-unit cap, an analysis of Highway 1 capacity must be performed to evaluate impacts associated with future growth on the capacity of Highway 1. The proposed amendment attempts to harmonize

state ADU law requirements with Coastal Act requirements in the County's LCP in a way that continues to protect coastal resources while also reducing and eliminating barriers to the construction of ADUs.

The proposed LCP amendment would allow ADUs and JADUs in any zoning district where residences are allowed, including within agricultural and timberlands. As proposed and modified, requirements would be imposed to cluster ADU development around existing residential development on these parcels and minimize encroachment into the areas of such parcels that are used for productive agricultural operations or would be viable for timber production consistent with the resource protection policies of the Coastal Act.

The County and Commission staffs have met numerous times and collaborated closely on the proposed LCP amendment since the early stages of the County's consideration of the LCP amendment to address the unique resource concerns associated with ADU development in the Mendocino County coastal zone. Recent changes to state ADU law since the County's initial adoption of the LCP amendment have led to further collaboration on how to modify the amendment as adopted by the County to conform the amendment to state ADU law while at the same time addressing coastal resource concerns. County staff has submitted a letter indicating its support for the Commission staff recommended suggested modifications. Thus, staff recommends that the Commission reject the proposed LUP and IP amendments as submitted and approve the amendments only as modified to ensure that the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment is in conformance with and adequate to carry out the certified LUP policies.

The resolutions and motions are located on Pages 4 and 5. See [Appendices B and C](#) for suggested modification language.

Staff Note: LCP Amendment Action Deadline

The County transmitted the subject LCP amendment application to the Commission on March 19, 2020. The LCP amendment submittal was filed as complete by the North Coast District Office on November 17, 2020. On February 12, 2021, the Commission granted a one-year extension to the 90-day time limit for Commission action on the proposed LCP amendment. The new deadline for action is April 1, 2022.

Additional Information

For further information, please contact Bob Merrill at the Commission's North Coast District Office in Arcata at Bob.Merrill@coastal.ca.gov. If you wish to provide written comments, please do so via regular mail (directed to the North Coast District Office) or email (by emailing NorthCoast@coastal.ca.gov). Commission staff will distribute to the Commissioners any copies of written materials received from interested parties by 5:00 pm on the Friday before the scheduled Commission meeting.

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APPENDICES

[Appendix A – Substantive File Documents](#)

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EXHIBITS

[Exhibit 1 – Regional Location Map](#)

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[Exhibit 4 – Resource Lands](#)

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[Exhibit 6 – Groundwater Resources](#)

[Exhibit 7– Coastal Hazard Areas](#)

[Exhibit 8 – Highly Scenic Areas](#)

[Exhibit 9 – Resolution of Transmittal](#)

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, first reject the LUP and IP components of the amendment as submitted and then approve both components if modified as suggested in the staff report. The Commission needs to make four motions in order to adopt the staff recommendation.

A. Denial of the LUP Amendment as Submitted

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

Motion 1: I move that the Commission certify Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino.

Resolution 1: The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino and adopts the findings set forth below on the grounds that the submitted land use plan amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment.

B. Certification of the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion 2: I move that the Commission certify Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified as suggested in this staff recommendation.

Resolution 2: The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant

adverse impacts on the environment that will result from certification of the land use plan amendment if modified.

C. Denial of the IP Amendment As Submitted

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation program amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion 3: I move that the Commission reject Implementation Program Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino.

Resolution 3: The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-MEN-20-0021-1 as submitted by the County of Mendocino on grounds that the implementation program amendment as submitted does not conform with, and is inadequate to carry out the provisions of the certified land use plan as amended. Certification of the implementation program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

D. Certification of the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion 4: I move that the Commission certify Implementation Program Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified in accordance with the suggested changes recommended by staff.

Resolution 4: The Commission hereby certifies the Implementation Program Amendment No. LCP-1-MEN-20-0021-1 for the County of Mendocino if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan as amended. Certification of the implementation program amendment will comply with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the modifications to the proposed LCP amendment described below and presented in full in Appendices A and B, which are necessary to make the requisite Coastal Act and LUP consistency findings. If the County accepts the suggested modifications within six months of Commission action, by formal resolution of the County Board of Supervisors, the modified amendment will become effective once the Executive Director has determined that the County's action is legally adequate and reported that determination to the Commission at a Commission meeting.

1. Suggested Modification 1: Modifications to the LUP Amendment

All suggested modifications to the LUP amendment are shown in [Appendix B](#).

2. Suggested Modification 2: Modifications to the IP Amendment

All suggested modifications to the IP amendment are shown in [Appendix C](#).

III. PROCEDURAL ISSUES

A. Standard of Review

Pursuant to Coastal Act section 30512(c), to certify the proposed amendment to the LUP portion of the Mendocino County LCP, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act section 30513, to certify the proposed amendment to the IP portion of the Mendocino County LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification, and amendment of any LCP. The County Planning Commission and County Board of Supervisors held public hearings on the subject amendment on July 18, 2019 and November 5, 2019, respectively. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

Pursuant to Section 13544 of the Commission's regulations, if the Commission denies the LCP amendment as submitted, but then approves it with suggested modifications, as recommended by staff, the LCP amendment will not take effect until the City accepts and agrees to the Commission's suggested modifications, the Commission Executive Director determines that the City's acceptance is consistent with the Commission's action, and the Executive Director reports the determination to the Commission at the next regularly scheduled public meeting. If the City does not accept the suggested

modifications within six months of the Commission's action, then the LCP amendment is not effective within the coastal zone.

IV. CONSISTENCY ANALYSIS

A. Amendment Description

Mendocino County proposes to amend the County's certified Land Use Plan¹ (LUP) and Implementation Plan² (IP) to regulate accessory dwelling units (ADUs)³ and junior accessory dwelling units (JADUs)⁴ in the unincorporated areas of the Mendocino County coastal zone. The amendment does not affect the Town of Mendocino segment of the certified LCP.⁵ The currently certified LCP expressly prohibits ADUs (called second residential units) outside of the Town of Mendocino and Gualala Town Plan areas because of concerns regarding water supply, sewage disposal, and traffic capacity of Highway 1, which is intended by Section 30254 of the Coastal Act to remain a scenic two-lane road. The proposed LCP amendment would remove this prohibition and allow up to 500 ADUs and an unlimited number of JADUs in the coastal zone outside of the Gualala and Mendocino Town Plan areas. The amendment would also retain an existing certified 100-unit cap on the number of permitted ADUs allowed within the Gualala Town Plan Area, with clarification that this cap does not apply to JADUs. The proposed amendment indicates that any change to the ADU cap requires a subsequent LCP amendment. Prior to adopting such an amendment, a traffic analysis must be prepared to evaluate the impacts associated with the proposed ADU allowances and future growth on Highway 1 capacity. An amendment to the cap applicable to the Gualala Town Plan area also requires demonstration that the plan area has adequate water and sewer capacity to accommodate the proposed ADU allowances.

Under the proposed amendment, ADUs and JADUs would be permitted in any zone that allows residential uses, including the County's resource lands (the Agriculture, Range Land, Forest Lands, and Timber Production Zones). The existing ADU regulations for the Gualala Town Plan area would be updated and combined with new regulations for

¹ Mendocino County General Plan.

² Mendocino County Coastal Zoning Code (Title 20 Division II of the Mendocino County Code).

³ The proposed amendment defines ADUs consistent with Government Code section 65852.2 as follows: an attached or detached residential dwelling which provides complete independent living facilities for one or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling.

⁴ The proposed amendment defines JADUs consistent with Government Code section 65852.22 as follows: A living space not exceeding five hundred square feet in size and contained entirely within a fully permitted single-family dwelling. A JADU shall include an efficiency kitchen and may include separate sanitation facilities or share sanitation facilities with the existing structure.

⁵ The Town of Mendocino is a separate geographic segment of the LCP with its own certified LUP and IP sections. The Town of Mendocino has its own ADU provisions that are not implicated by the subject amendment (see Mendocino County Code, Title 20, Division III).

ADUs and JADUs in the remainder of the unincorporated County's coastal zone (outside of the Town of Mendocino). However, certain existing Gualala Town Plan area standards would continue to apply only in the Gualala Town Plan, including a prohibition on ADUs and JADUs located west of Highway One.

Proposed standards (including but not limited to building and zoning standards related to setbacks, building square footage, parking, rental and sale, and deed restrictions) were intended to follow the provisions of state ADU and JADU law (CA Government Code sections 65852.2 and 65852.22), as they existed at the time the County initially approved the amendment in November of 2019. The proposed amendment also includes "public health and safety requirements" that: (1) require Division of Environmental Health review and approval of the availability and adequacy of water supply and sewage disposal systems; (2) require a preliminary clearance letter from CalFire and/or the local fire district in fire-prone areas, and (3) prohibit ADUs in designated flood hazard areas.⁶

The County's proposed ADU regulations strive to harmonize the state ADU law with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to the construction of ADUs. As many areas of the County's coastal zone are subject to significant coastal resource and hazard constraints, determining whether individual ADUs and JADUs are consistent with the coastal resource and hazard policies of the LCP could result in the need for significant discretionary analysis. To instead help streamline ADU permitting through a more ministerial process, the County proposes a checklist of "objective" coastal resource protection standards that ADUs must meet. The proposed coastal resource protection standards include standards related to environmentally sensitive habitat areas (ESHA), designated highly scenic areas, landform alteration, agricultural and timber resources, public access, and minimizing risks of geologic and flood hazards associated with development near coastal bluffs, fault zones, flood plains, and other hazardous locations.

The proposed amendment states that a JADU developed consistent with the proposed new JADU regulations would be exempt under existing permit (CDP) requirements. The proposed amendment also states that detached ADUs are not exempt from CDP requirements. Attached ADUs and structural and exterior improvements associated with ADUs and JADUs are not expressly addressed under the proposed amendment but may be exempt under the Coastal Act and LCP under certain circumstances.

Non-exempt ADUs and JADUs would require a ministerial CDP not subject to a public hearing if all applicable proposed ADU/JADU standards and requirements are met.⁷ An exception could be granted to a number of the proposed coastal resource protection standards through an administrative or standard CDP process, including but not limited

⁶ This is consistent with CA Government Code section 65852.2(a)(1)(A), which allows local jurisdictions to designate areas where ADUs may be permitted based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

⁷ CA Government Code section 65852.2(a)(4) requires that the approval of ADUs shall include only ministerial provisions.

to exceptions to standards prohibiting ADUs within 100 feet of an ESHA, within 125 feet of the edge of a coastal bluff, in publicly visible locations within highly scenic areas, on prime agricultural soils, and in hazard combining districts. If certain discretionary findings demonstrating consistency with the certified LCP can be made.

Under the proposed amendment, ministerial CDPs for ADUs would be approved by the Director or his/her designee without a local public hearing or the ability for local appeals to the Board of Supervisors. However, ministerial CDPs would be appealable to the Coastal Commission in the same circumstances as standard CDPs and would be noticed⁸ at least ten calendar days prior to issuance so that members of the public have an opportunity to submit comments and establish standing for Commission appeals.

Finally, under the proposed amendment, renting of an ADU or JADU for occupancy by transient guests for compensation or profit (e.g., use as a vacation home rental) would be prohibited. However, outside of the Gualala Town Plan area, the main residence could still be used as a vacation rental. Prior to obtaining a building permit for an ADU or JADU, a recorded deed restriction would be required to include the prohibition on renting the unit for transient occupancy and other pertinent restrictions.

1. Proposed LUP Changes

LUP Policies 3.2-1 and 3.3-5 currently state in part that one housing unit is allowed for each existing agricultural and timberlands parcel, and LUP Policy 3.9-1 currently states in part that one housing unit shall be authorized on every legal parcel provided that adequate services exist and the proposed development is consistent with the LCP. The proposed LUP amendment would add language to these three LUP policies clarifying that ADUs may also be permitted on legal parcels, including agricultural and timberland parcels.

2. Proposed IP Changes

The proposed IP amendment would rewrite certified IP chapter 20.458 (“second residential units”) with proposed new allowances and standards for ADUs and JADUs. More specifically, the proposed amendment would: (1) retitle IP chapter 20.458 “accessory dwelling units;” (2) remove language prohibiting accessory dwelling units in the coastal zone outside of the Mendocino and Gualala Town Plan areas; (3) establish a cap of 500 accessory dwelling units (except in the Gualala Town Plan area where the existing cap of 100 ADUs would remain in place); (4) establish permit requirements for accessory dwelling units; and (5) establish standards and limitations for ADUs and JADUs, including but not limited to standards pertaining to health and safety, coastal

⁸ Notice would be provided 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; the Coastal Commission; and the County Assessor.

resource protection, and parking. Certain proposed standards and limitations would only apply to ADUs, JADUs, or ADUs and JADUs within the Gualala Town Plan area.

The proposed amendment would also: (1) add and revise definitions pertaining to ADUs and JADUs in the IP's list of definitions (in certified IP chapter 20.308); (2) amend explanations of existing residential use types to clarify their relationship to ADUs/JADUs (in certified IP chapters 20.316 and 20.456); (3) revise the IP's parking requirements (in certified IP section 20.458.050) to reference the new parking provisions in the ADU chapter; (4) add a new listed exemption to CDP requirements for JADUs (in certified chapter 20.532); (5) establish a "coastal development ministerial permit" (ministerial CDP) for ADUs (in certified chapter 20.532); and (6) outline procedures and timelines for notice, action, effectiveness, amendments, and appeals of ministerial CDPs (in certified IP chapters 20.532, 20.536, and 20.544).

3. Friendly Modifications

Although the County originally transmitted the subject LCP amendment to the North Coast District Office in March 2020, the amendment was approved by the Board of Supervisors in November 2019 before recent updates to CA Government Code sections 65852.2 and 65852.22 took effect. As a result, there are inconsistencies between the proposed amendment as adopted by the County and the new provisions of state ADU and JADU law that the County would like to address through "friendly modifications." These friendly modifications include but are not limited to modifications regarding to floor area limitations, lot coverage requirements, setbacks requirements, separate sale and conveyance, definitions (e.g., efficiency kitchen), parking requirements, owner-occupancy requirements for residences with JADUs, permitting deadlines, and allowances for ADUs on properties with multi-family residences.

In addition, the County also requests modifications to provide for other minor corrections and changes to clarify requirements for ADUs, including:

- (1) using the abbreviations "ADU" and "JADU" rather than the full terms throughout the proposed IP amendment;⁹
- (2) clarifying that JADUs are exempt from the 100-unit ADU cap in the Gualala Town Plan area (proposed IP section 20.458.010);
- (3) clarifying that certain provisions apply to JADUs as well as ADUs, such as the stipulation that ADUs qualify as accessory living units;¹⁰
- (4) fixing erroneous numbering and cross-references;
- (5) updating the existing definition of accessory buildings to clarify that the prohibition on sleeping quarters does not apply to accessory living units;
- (6) clarifying that ADUs and JADUs may be permitted in any zone that allows residential uses as a permitted or conditional use;

⁹ This change would affect proposed IP sections 20.308.035(A); 20.308.035(I); 20.308.065(A); 20.316.010; 20.316.010(D) and (E); 20.456.015(G) and (H); 20.458.005; 20.458.010; 20.458.015; 20.458.020; 20.472.015(E) and (F); 20.532.015(B); 20.532.020; 20.536.001(A); and 20.544.010(A).

¹⁰ These changes affect proposed or amended sections 20.308.020(H); 20.308.035(I); and 20.458.005.

- (7) adding a procedural section describing the effective date of a ministerial CDP (to IP section 20.536.001);
- (8) clarifying the time-frame for approvals of applications for ADUs and JADUs; and
- (9) updating existing provisions that describe the process that occurs when the County fails to act on an application within the time limits set forth in Government Code sections 65950-65957.1.

As the aforementioned changes are consistent with and adequate to carry out the certified LUP and will help ensure consistency with state ADU law, which, in turn, complements and furthers the Coastal Act policy to encourage affordable housing (section 30604(f)), the County's friendly modifications are included in **Suggested Modification 2**.

Please note that additional modifications of the proposed IP amendment discussed between Commission and County staff that implicate LUP and Coastal Act Chapter 3 policy issues are discussed in the following sections. [Appendix C](#) includes all of the suggested modifications in **red** font.

4. Permitting & Development Implications for Residential Development

While ADUs are currently prohibited outside of the Town of Mendocino and the Gualala Town Plan area, the County's certified IP does allow for more than one dwelling unit¹¹ per legal parcel in various zoning districts in the form of farm employee housing, farm labor housing, family care units (a temporary use), dwelling groups, and residential clustering. The certified IP also allows for one "accessory living unit" for each legal parcel in all zoning districts which allow a single-family residence. An "accessory living unit" is either a "detached bedroom" or a "guest cottage." Detached bedrooms and guest cottages do not contain kitchens (detached bedrooms also do not contain bathrooms) and are not intended for use by people other than family members or guests of occupants of the primary dwelling. Because detached bedrooms and guest cottages do not contain complete independent living facilities, they are not considered a type of dwelling unit under the County's code and would not qualify as ADUs under California Government Code section 65852.2.

Under the proposed amendment, ADUs and JADUs would be treated as an accessory use to a single-family residence rather than a listed permitted or conditional use. ADUs and JADUs would be characterized as a new type of accessory living unit (in addition to guest cottages and detached bedrooms). Instead of changing allowed density in specific zoning districts, the ADU amendment would modify the definition of density to clarify that ADUs and JADUs are not considered to be dwelling units for the purpose of density calculations.¹²

¹¹ A dwelling unit is defined by the County to be a single residential unit containing complete, independent living facilities for a family.

¹² This provision is consistent with CA Government Code section 65852.2(a)(8) which establishes that an ADU shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located.

Under the proposed amendment, each legal parcel would be allowed one ADU and one JADU. However, ADUs and JADUs would not be allowed on any parcel that already contains a second dwelling unit in the form of farm employee housing, farm labor housing, or a temporary family care unit, or where a dwelling group or parcel clustering has been approved. Outside of the Gualala Town Plan area, in addition to an ADU and/or JADU, each legal parcel would be allowed one guest cottage or detached bedroom. Within the Gualala Town Plan area, an ADU or JADU would not be allowed on a parcel that already contains a guest cottage or detached bedroom.

5. Impetus for LCP Amendment

The proposed LCP amendment is spurred by both increasingly strong state mandates to allow for ADUs and the severe lack of long-term rental housing in the County's coastal zone. The development of housing, especially affordable housing, in rural, coastal Mendocino County is constrained in part because of development limitations designed to protect the area's bountiful coastal resources that must be protected, including many rare species that have been extirpated elsewhere, extensive agricultural lands, timberlands, and scenic public views to and along the coast. However, the largest historic and current impediment to developing housing in the County's coastal zone is limited service capacity, including water supply, sewage disposal, and traffic capacity on rural Highway One, which must remain a two-lane road consistent with Coastal Act section 30254.

In acknowledgement of these service limitations, certified IP chapter 20.458 currently prohibits the creation and/or construction of a second residential unit as defined in CA Government Code section 65852.2 based on the potential for adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic. The code section indicates the prohibition is considered temporary until such time as water supply, septic capability and traffic issues can be adequately resolved to assure that there will be no adverse impacts to the public health, safety, and welfare.

This prohibition on ADUs has been in place for over 30 years during which time the lack of affordable housing in the coastal zone has become a serious social and economic issue. The new State legislation on ADUs has altered the regulatory landscape such that State law now requires the County to establish regulations to allow development of ADUs in the coastal zone where they can be appropriately accommodated by adequate public services, and development without conflicting with Coastal Act protections for coastal resources.

6. Area of Impact

As described above, under the proposed amendment, ADUs and JADUs would be permitted in any zone that allows residential uses. The land use designations and corresponding zoning districts where single-family residences are allowed are listed in Table 1 below. These districts comprise 93% of the APNs¹³ and 88% of the land area in

¹³ It is important to note that APNs do not necessarily constitute legal parcels.

Mendocino's coastal zone. See [Exhibits](#) for a map of the lands where ADUs and JADUs would be allowed under the proposed amendment.

Table 1. Land Use Designations and Zoning Districts Where Single-Family Residences are Permitted (Mendocino County GIS; April 2020)

| Land Use Designation | Zoning District | ZD Acreage | Number of ZD APNs |
|---|---|---------------------|-------------------|
| Agriculture (AG) | Agricultural (AG) | 5,516 | 148 |
| Forest Lands (FL) | Forest Lands (FL) | 1,392 | 83 |
| | Timberland Production (TP) | 26,328 | 452 |
| Range Lands (RL) | Range Lands (RL) | 19,193 | 465 |
| Rural Residential (RR-1;RR-2; RR-5;RR-10) | Rural Residential (RR) | 13,569 | 4,837 |
| Remote Residential (RMR 20 acres; 40 acres) | Remote Residential (RMR) | 11,894 | 1,667 |
| Suburban Residential (SR, SR 6,000; SR 12,000; SR 40,000) | Suburban Residential (SR) | 208 | 477 |
| Rural Village (RV) | Rural Village (RV) | 168 | 326 |
| Gualala Village Mixed Use (GVMU) | Gualala Village Mixed Use District (GVMU) | 40 | 82 |
| Gualala Highway Mixed Use (GHMU) | Gualala Highway Mixed Use District (GHMU) | 30 | 25 |
| TOTAL | | 78,338 acres | 8,562 APNs |

ADUs would not be permitted in the Open Space, Public & Semi-public Facilities, Commercial, Industrial, Fishing Village, Gualala Industrial, and Gualala Planned Development Districts. The coastal zone districts where ADUs would not be permitted comprise 617 APNs on 10,530 acres.

B. LUP Consistency Analysis

1. Locating New Development

Coastal Act section 30250 states in applicable part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Coastal Act section 30254 states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with

the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Coastal Act section 30250 is implemented in part through existing LUP Policy 3.9-1 which states:

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

The proposed amendment would amend LUP Policy 3.9-1 to add the following statement:

Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

Consistency Analysis: Traffic Capacity

A major constraint to residential development in Mendocino County's coastal zone is the need to limit residential density to levels which are compatible with water availability, septic capacity, and highway capacity. Very little of the County's coastal zone is served

with municipal sewer and water systems. Most development relies on the use of septic systems and water wells in areas that sometimes have inadequate soils and limited groundwater. Highway capacity is perhaps the greatest constraint to expanded residential development because of the limited capacity of Highway 1 to accommodate additional growth and remain a scenic two-lane road in the rural County, consistent with Coastal Act section 30254.¹⁴ During the development of Mendocino County's LCP

(1985-1992),¹⁵ the capacity of Highway 1 was a major issue affecting certification, resulting in the Commission changing proposed land use designations and/or maximum densities to significantly reduce allowable residential buildout. As a result, the currently certified LCP prohibits second residential units outside of the Gualala Town Plan area and Town of Mendocino until service capacity issues are addressed and resolved after preparation of an updated highway capacity study.

Although the certified IP explicitly requires analysis of traffic impacts before an LCP amendment can be approved to allow second residential units outside of the Gualala and Mendocino Town Plan areas, the County is proposing to allow ADUs without this analysis and instead address concerns about traffic capacity by adding a 500-unit cap on the number of ADUs to the proposed IP regulations. According to the County's application submittal, an allowance for 500 ADUs is being proposed as an interim measure necessary to aid with the housing crisis until such time as a comprehensive Highway 1 corridor study can be prepared. The County is not proposing to cap the number of JADUs allowed under the LCP Amendment, as JADUs are contained entirely within existing single-family dwellings and often result from repurposing an existing bedroom as a long-term rental. Dwelling units occupied by owners or long-term renters arguably have the same intensity of use and thus conversion of owner-occupied living space to long-term renter-occupied living space would not affect water and septic services or traffic capacity.

The County is deferring undertaking the corridor study update until the County is prepared to use vehicle miles traveled (VMT) as the metric of analysis in the update. The County has historically used level of service (LOS) as a metric of traffic impacts and highway capacity. However, pursuant to SB 743 (Steinberg, 2013), lead agencies analyzing the transportation impacts of new projects under CEQA must now use VMT to evaluate impacts, rather than LOS (this requirement became effective July 1, 2020).¹⁶

¹⁴ See findings for the May 8 and September 26, 1985 Commission hearings on LUP certification.

¹⁵ The County's LUP was certified with suggested modifications on September 26, 1985 and effectively certified on November 20, 1985. The IP was certified with suggested modifications on March 15, 1991 and the total LCP was effectively certified on September 10, 1992. The County assumed permit-issuing authority on October 13, 1992.

¹⁶ Traditionally, transportation impacts have been evaluated by examining whether the project is likely to cause automobile delay at intersections and congestion on nearby individual highway segments, and whether this delay will exceed a certain amount (this is known as "level of service"). VMT instead measures how much actual automobile travel (additional miles driven) a proposed project would create on public roads. If the project adds excessive car travel, the project may cause a significant transportation impact.

The County is currently developing vehicle miles traveled (VMT) thresholds of significance and establishing methodologies for performing VMT analysis on the rural coastline. Use of VMT as a metric to evaluate the traffic impacts of projects is consistent with Coastal Act section 30253(d) which explicitly requires new development to minimize VMT (as well as energy consumption). Use of VMT is also consistent with Coastal Act section 30250 as minimization of VMT requires concentration of development. While use of LOS to evaluate the traffic impacts of new development may discourage development in more urban areas of the County like the Fort Bragg area where automobile delay at intersections is greatest, a study that utilizes VMT to evaluate impacts is likely to have the opposite result, encouraging housing near urban services where vehicle trips can be reduced in distance or avoided through alternative means of transportation.

The correlation between development of ADUs and population growth and increased traffic volumes in coastal Mendocino is unknown. The amendment is precipitated by a dire shortage of affordable, long-term rental housing for the County's coastal workforce. Some ADUs may accommodate tenants who are currently in overcrowded and substandard rental units with no accompanying increase in population and traffic volumes. In fact, by increasing the availability of rental housing, ADU development may permit people to live closer to their workplaces, thereby decreasing VMT and traffic on Highway One. On the other hand, ADUs may accommodate population growth but result in increased traffic volumes.

Allowing 500 units prior to a comprehensive traffic analysis allows the County to base the future study on actual data on the rate of development and location of ADUs and their associated travel characteristics in the County's coastal zone. To ensure data is collected, the County's Planning & Building Services proposes to keep a log of permits issued for JADUs and ADUs in the County's database and transmit an annual report to Coastal Commission staff.

The County has provided evidence demonstrating that amending the LCP to allow for 500 units distributed along the 80-mile length of the Highway 1 corridor in Mendocino County's coastal zone will not result in a significant impact on highway capacity. Since certification of its LCP in 1985, the County has prepared two studies of Highway One capacity: the "State Route (SR) 1 Corridor Study" (Whitlock & Weinberger; 1993) and the "SR 1 Corridor Study Update" (WTrans; 2008). The 2008 update found that, "existing traffic counts in the corridor revealed that 2007 traffic counts were either slightly higher, similar, or in some cases lower than the 1993 traffic counts." The very minimal change in traffic volumes is consistent with the "Market Area Buildout"¹⁷

¹⁷ "Market Area Buildout" analyses have been performed periodically by County staff since the LCP was certified (last prepared in 2009). The analysis tracks housing development outside of urban-rural boundaries in the coastal zone (i.e., outside of Fort Bragg and vicinity; Town of Mendocino area; Point Arena; Gualala area, and outside of areas that are zoned Rural Village). The analysis originally involved querying County Assessor's records to determine parcels "under the same ownership with deeds recorded on the same day" (which are considered to be one parcel for the purpose of the analysis); and ascertaining the number of developed parcels based on the Assessor's valuation of structural

numbers maintained by the County which indicate an average annual growth rate of only 0.83% in residential housing units in the coastal zone (outside of urban centers) between 1997 and 2009 and is consistent with the understanding that some homes constructed during this period are likely second homes only occupied part-time.

As a result of slow population growth, while there are real service limitations on maximum buildout in the County, available capacity remains on Highway 1. In 2016, Caltrans prepared a transportation concept report (TCR) for Highway 1 in Mendocino that anticipated low traffic growth rates over the report's 20-year planning horizon and found that projected future traffic volumes (for the year 2032) can be accommodated by a two-lane highway except in the urban area south of Fort Bragg where a four-lane section may be needed in the future (Caltrans, District 1; 2016; see **Table 2** below and [Exhibit 2](#)). Such capacity improvements would be within the urban area defined by the urban/rural boundary around the greater Fort Bragg area and, thus, would be consistent with the mandate that Highway 1 remain a scenic two-lane highway. The TCR concludes:

Growth and development along Route 1 is strongly influenced by economic conditions and tourism. Route 1 serves as an essential lifeline for residents of the Mendocino Coast. Due to the rural nature of the Mendocino Coast and low anticipated growth, no major long-term right-of-way needs are anticipated.

Table 2. Transportation Concept Report (TRC) Traffic Volumes. Traffic volumes are shown as Annual Average Daily Traffic (AADT) for seven segments of SR 1 in Mendocino County (AADT is a measure of year-round average daily traffic volumes and does not account for seasonal peaks. 2012 AADT is based on 2012 traffic volumes and 2032 AADT is based on Caltrans District 1 growth factors).

| | SR 1 Segment | 2012 AADT* | 2032 AADT |
|-------|------------------------------------|---------------|--------------|
| 1 | Sonoma Co Line to SR 128 | 1,750 | 1,850 |
| 2 | SR 128 to Little River | 3,200 | 3,400 |
| 3 | Little River to Fort Bragg (SR 20) | 9,500 | 10,000 |
| 4 | City of Fort Bragg | 18,500 | 19,400 |
| 5 | Fort Bragg to MacKerricher SP | 5,950 | 5,250 |
| 6 | MacKerricher SP to Westport | 1,150 | 1,200 |
| 7 | Westport to Leggett | 750 | 800 |
| Total | | 40,800 | 41,900 |

In addition, 500 ADUs is not a substantial number of units when considering the amount of housing in the Highway 1 "traffic shed." In 2019, an estimated 13,316 housing units

improvements, excluding agricultural outbuildings. Updates are performed by adding new parcels that have been created since the last update (either by recorded land divisions or certificates of compliance); eliminating parcels that have been merged; and utilizing building permit records to identify previously undeveloped parcels upon which an improvement has been constructed that is valued at least \$5000 by the Assessor.

were located within the Highway 1 traffic shed which comprises the coastal region of Mendocino County including areas on both sides of the coastal zone boundary and within the incorporated cities of Fort Bragg and Point Arena.¹⁸ 500 ADUs represent a 3.8% increase in the total number of units in this coastal region.¹⁹ As a result, trip generation from 500 ADUs is small when put in the context of overall daily traffic on Highway 1. Based on a trip generation rate of 4.8 daily trips per ADU,²⁰ 500 ADUs would generate 2,400 trips, which represents a 5.9% increase over 2012 AADT. It is important to remember that this number of trips (a) is a maximum number (assuming more housing will generate new trips) and (b) would be spread along the 80-miles of Highway One in the coastal County.

As noted above, the County is not proposing to cap the number of JADUs allowed under the LCP amendment. Based on the 'Market Area Buildout' analyses which have been performed periodically since the LCP was certified (last prepared in 2009), there are approximately 4,390 legal parcels and roughly 2,945 residences outside of urban-rural boundaries in the coastal zone (i.e., outside of Fort Bragg and vicinity; Town of Mendocino area; Point Arena; Gualala area, and outside of areas that are zoned Rural Village). As a result, full buildout of JADUs could result in 3,000 JADUs outside of urban boundaries. The Commission finds, however, that it is not necessary to extend the proposed cap to JADUs as JADUs are contained entirely within existing single-family dwellings and often result from repurposing an existing bedroom as a long-term rental. Dwelling units occupied by owners or long-term renters arguably have the same intensity of use and thus conversion of owner-occupied living space to long-term renter-occupied living space would not affect water and septic services or traffic capacity.

The Commission finds that for the reasons discussed above, a 500 ADU cap would avoid significant cumulative impacts on the traffic capacity of two-lane Highway 1, while at the same time opening up significant portions of Mendocino County to ADU development.

While previous traffic studies show that Highway 1 can remain a two-lane road into the future, the last study was performed in 2008, and it largely extrapolated data from the earlier 1993 study. Furthermore, the County has used this traffic data and other housing data to demonstrate that 500 ADUs will not have a significant impact on traffic and has not explored the impacts of additional units. Removing the prohibition on ADUs outside

¹⁸ Housing data was obtained by the County from the California HomeTown Locator tool which uses US Census data; searched for the 10 coastal zip codes from Westport to Gualala.

¹⁹ Because of its remoteness, Highway One in coastal Mendocino predominantly serves local traffic as opposed to interregional traffic; therefore, it makes sense to focus on local land use when considering trip generation (TRC, 2016).

²⁰ This generation rate corresponds to the lower end of the range for single family residences identified by the Institute of Transportation Engineers (ITE). Given the rural character of the Mendocino Coast, trips are more likely to be combined due to distances between destinations. Plus, restrictions on the size of ADUs may correlate to smaller household size, also lowering trip generation rates. This approach was confirmed by the author of the 1994 SR 1 Corridor Study and the 2008 Update (verbal communication between County staff and Steve Weinberger, WTrans; April 16, 2020).

of the Gualala and Mendocino Town Plan areas would result in an ADU and/or JADU being allowed in addition to one detached bedroom or guest cottage on parcels containing an existing or approved single-family dwelling in all zoning districts which allow single-family dwellings. Because the vast majority of coastal zone lands are zoned to allow single-family dwellings (78,338 acres on 8,562 APNs), removing the current prohibition on ADUs (without imposing a cap) could significantly increase the potential residential development buildout in the County and thus significant impact service capacity.

The County has not provided evidence demonstrating the availability of services for buildout of ADUs in all zones that allow single-family dwellings; as a result, the 500-unit cap is necessary to establish conformance with Coastal Act sections 30250 and 30254 until the County performs additional studies. As proposed, the cap would only be included in the County's IP.

Although the necessary cap is included in the IP, the LUP needs to contain detail and specificity sufficient to conform to the Chapter 3 policies of the Coastal Act and effectively guide the IP, as the standard of review for future IP amendments will be the LUP. LUP Policy 3.9-1 already prohibits houses from being developed if adequate access, water, and sewage disposal capacity does not exist, but does not specifically address the cumulative impacts of housing development on Highway 1 capacity. Highway capacity is correlated with cumulative traffic volumes and cannot be addressed on a parcel-by-parcel bases. Because the proposed LUP amendment would add a broad allowance for ADUs without addressing cumulative impacts on highway capacity, the proposed LUP amendment considered separately from the proposed IP amendment does not ensure that Highway 1 will remain a two-lane scenic highway consistent with Coastal Act section 30254 or will be able to accommodate the increased traffic generated by proposed increases in residential buildout, consistent with Coastal Act section 30250.

Suggested Modification 1 adds the proposed ADU caps to LUP 3.9-1, indicating that any change to the caps on the number of ADUs shall require an LCP amendment. As described in detail above, this ensures that adequate studies are conducted to evaluate potential impacts prior to development of ADUs at a level that could have significant cumulative impacts on traffic capacity on two-lane Highway 1. It is important to note that ADU law allows local governments to designate areas within the jurisdiction where ADUs may be permitted based on adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety [§65852.2(a)(1)(A)]. With the incorporation of Suggested Modification 1, the proposed LUP amendment is consistent with Coastal Act sections 30250 and 30254.

2. Agricultural and Timber Resources

Relevant Coastal Act Policies

Coastal Act section 30241 states:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Coastal Act section 30243 states, in applicable part:

The long-term productivity of soils and timberlands shall be protected and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Under the County's certified LUP, all agricultural lands are designated either Agriculture (AG) or Range Land (RL), and all timberlands are designated Forest Lands (FL). Under the certified IP, there are corresponding AG and RL Districts that implement the AG and RL designations, respectively, as well as Forest Lands (FL) and Timber Production (TP) Districts that both implement the FL designation. Within the coastal zone, these "resource lands" (AG, RL, FL, and TP District lands) cover a total of 52,435 acres on

1,148 APNs, representing 59% of the land area and 14% of the APNs in the unincorporated County's coastal zone (See [Exhibit 4](#) for a map of resource lands). The proposed amendment would permit ADUs and JADUs in all land use designations and zoning districts which allow single-family dwellings, including on all agricultural lands, rangelands, and timberlands.

Under the currently certified LCP, one single-family residence is permitted in the AG, RL, FL, and TP Districts and use of the residence as a vacation home rental is also permitted.²¹ While the currently certified IP expressly prohibits ADUs outside of the Gualala and Mendocino Town Plan areas, a guest cottage or detached bedroom is allowed on resource lands as an accessory use to the primary single-family residence, a family care unit is allowed as a temporary use, and farm employee housing²² and farm labor housing²³ are allowed as conditional uses.²⁴ The certified IP limits AG, RL, FL, and TP lands to four or less dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit, or family care unit. However, farm labor housing may exceed the four dwellings per parcel limitation in the AG District.

Existing LUP Policies 3.2-1 and 3.3-5 currently state in part that one housing unit is allowed for each existing agricultural and timberland parcel. The proposed amendment modifies these two LUP policies to clarify that ADUs may also be permitted on agricultural and timberland parcels.

While the proposed amendment would affect development allowances on 52,435 acres of resource lands, only 296 resource land APNs (covering 12,773 acres) currently

²¹ Single-family residences and vacation home rentals are listed as principally permitted uses in the AG and RL Districts in addition to agricultural uses, passive recreation, and, in the RL District, fish and wildlife habitat management. Because the certified IP fails to identify one principally permitted use (or use type) for the purposes of Commission appeals pursuant to Coastal Act section 30603(a)(4), these uses are not considered "principally permitted" under 30603(a)(4) and are thus always appealable to the Commission.

²² Mendocino Coastal Zoning Code §20.316.020 defines "farm employee housing" as occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. Mendocino Coastal Zoning Code §20.308.045(E) defines "farm employee" as any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, timber production, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market.

²³ Pursuant to Mendocino Coastal Zoning Code §20.316.020, housing for more than one farm employee and his/her family is classified as farm labor housing.

²⁴ Dwelling groups are also conditionally permitted in all four resource land districts, and cluster development is allowed in all but the TP District.

include structures over \$5,000 in value.²⁵ As a result, at most, 296 parcels²⁶ have existing residences and would be eligible now for ADUs and JADUs as accessory uses to existing and proposed residences. In addition, large expanses of timberlands are maintained by institutional timber companies and non-profit organizations that are not anticipated to engage in significant residential development, including 173 timberlands APNs covering approximately 12,812 acres under five such owners.²⁷ As discussed previously, the IP amendment as proposed and the LUP amendment as modified also includes 500-unit caps on the total number of ADUs allowed outside of the Mendocino and Gualala Town Plan areas. All the designated resource lands would be subject to this cap. The cap can only be modified with a further amendment to the LCP.

In addition, under the proposed amendment, the maximum number of residential structures allowed on each resource land parcel does not increase. Under the proposed ADU regulations, an ADU and JADU may be allowed on a parcel in addition to one single-family dwelling and a maximum of one other accessory living unit (i.e., a detached bedroom or guest cottage). Farm employee housing, farm labor housing, and temporary family care units are not allowed on parcels with ADUs and/or JADUs. As a result, while AG, RL, FL, and TP parcels are currently allowed up to four residential structures per legal parcel, only three residential structures could be developed on any parcel with a permitted ADU [(1) the ADU, (2) one single-family residence with a JADU contained entirely inside, and (3) one detached bedroom or guest cottage]. Therefore, the amendment would not increase the maximum number of residential structures allowed on resource lands.

Agricultural Resources

Approximately 24,709 acres or 27.8% of the total acreage in Mendocino County's coastal zone is designated either AG or RL. Coastal agriculture in Mendocino County consists primarily of cattle, dairy farms, nursery products, irrigated and range pasture, and specialty vegetable crops including beans, potatoes, and peas. Coastal agriculture represents a relatively small portion of the County's total gross value of agricultural production, which totaled \$131 million in 2001.²⁸

Coastal Act sections 30241-30243 are intended to maintain land in agricultural production and protect the viability of agricultural lands from direct, indirect, and cumulative impacts of land uses not directly related to the primary use of agricultural lands for the production of agricultural commodities. Coastal Act sections 30241 and

²⁵ 45 APNs in the AG District, 154 APNs in the RL District, 49 APNs in the TP District, and 48 APNs in the FL District include structures over \$5,000 in value.

²⁶ It is important to note that APNs do not necessarily represent legal parcels.

²⁷ These top five owners are Mendocino Redwood Company, Soper Company, Lyme Redwood Timberlands, Parker Ten Mile Ranch, and R.D. Beacon.

²⁸ Information on the agricultural economy is from the Mendocino County Coastal Conservation Plan (Mendocino Land Trust, April 2003).

30242 strictly limit the circumstances under which agricultural land can be converted to non-agricultural land uses.

Development of a non-agricultural use or structure proposed on land suitable for agriculture could constitute a conversion of agricultural land that must meet the strict conversion criteria of Coastal Act sections 30241 and 30242. In contrast, the development of a farm-related structure does not constitute an agricultural conversion and thus does not trigger the need for an analysis of consistency with the conversion criteria. Single-family dwellings including ADUs are considered farm-related structures only if they are farmer-occupied or farm labor housing necessary for the performance of agricultural operations.

In contrast to residential development that is incidental to and/or in support of agricultural production such as farm employee housing, development of residential uses on agricultural lands that are not in direct support of continued agricultural use of the property is a growing trend threatening agricultural land viability. Non-agricultural residential development has the potential to change the real estate values in agricultural areas in ways that negatively affect the viability of continuing agriculture. Such development can also conflict with on-going surrounding agriculture practices (e.g., due to noise, odors, or dust generated from agricultural activities), potentially placing pressure on agricultural productivity to be reduced. And, of course, non-agricultural residential development occupies agricultural land that might otherwise be available for production or other agricultural uses.

The proposed LUP amendment would allow ADUs on lands designated agricultural and rangeland without any explicit requirement that the ADUs be used by a farm owner, manager, or employee engaged in agricultural use of the land (or family member thereof), and thus raises issues of consistency with Coastal Act sections 30241 and 30242.²⁹

Under the certified LUP, consistent with the Coastal Act, residences on AG and RL lands must be agricultural in nature (i.e., constitute farm dwellings) or meets the strict agricultural land conversion criteria of Coastal Act sections 30241 and 30242, as these sections of the Coastal Act are incorporated into LUP Policies 3.2-4, 3.2-5, and 3.2-16. However, this is a point of contention between the County and Commission.³⁰ The County has in the past asserted that every agricultural parcel is allowed by right one

²⁹ It is important to note that the County has locally adopted (not certified by the Commission) policies and procedures for agricultural preserves and Williamson Act contracts, that require second residential units to be occupied by the farm operator or an immediate family member of the landowner or farm operator in order to qualify as a compatible use on agricultural land under a Williamson Act contract. Sixty percent of AG and RL lands in the coastal zone (14,687 acres on 283 APNs) are under Williamson Act contracts. While this is a strong standard preventing ADUs from resulting in an agricultural conversion, it only applies to 60% of AG and RL lands and is a local standard that could change at any time without Commission review.

³⁰ See, for example, Commission Appeal Nos. A-1-MEN-09-034 and A-1-MEN-09-052 of residential development on agricultural land in Mendocino County.

single family home regardless of whether the owner/occupier of that home farms or manages a farm, resulting in past development on AG and RL lands inconsistent with the Coastal Act. As a result, without additional LUP policy clarification, there is the potential that the proposed ADU allowance will be carried out inconsistent with Coastal Act sections 30241 and 30242.

In addition, even structures that are associated with agriculture, such as farm dwellings, can harm the long-term productivity of agricultural soils, and the cumulative effect of these structures may encourage urbanization or industrialization of an area. As proposed, the LUP amendment would allow detached ADUs to be located anywhere on AG and RL parcels, and thus could result in ADUs being developed far from existing residential structures, potentially requiring significant new driveway construction, vegetation maintenance, utility trenching, leach fields, water wells, etc. Such development would not maximize the amount of prime agricultural land in production or be protective of the long-term productivity of the soils, inconsistent with Coastal Act sections 30241 and 30243. Although the IP includes a clustering requirement, the LUP needs to contain specificity sufficient to conform to the Chapter 3 policies of the Coastal Act and effectively guide the IP, as the standard of review for future IP amendments will be the LUP.

For all the reasons described above, the LUP amendment as proposed is inconsistent with the agricultural resource protection policies of the Coastal Act.

Suggested Modification 1 modifies amended LUP Policy 3.2-1, adding a requirement that detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. As discussed above, if the ADU is a farm dwelling accessory to and in support of active agricultural operations onsite, the ADU would not result in agricultural conversion regardless of its location. However, if an ADU does not constitute a farm dwelling, it could result in the conversion of land suitable for agriculture, and if so, must meet the strict conversion criteria outlined in Coastal Act sections 30241 and 30242.

JADUs, ADUs attached to the primary residence, and detached ADUs placed within an existing legally-authorized residential structure avoid land that is in active agricultural production. Detached ADUs clustered with the primary residence may also be located within a portion of the agricultural parcel that is not in active agriculture production because of its residential use. Given that the subject land is already covered by, directly adjacent to, or otherwise clustered with, a permanent residential structure, the suitability of the site for agriculture and the feasibility of renewed agriculture may also be severely limited. Thus, locating ADUs on AG and RL lands within or attached to existing residential structures or clustered with the primary residence can be found consistent with Coastal Act section 30241 because this siting can avoid and thus maintain prime agricultural lands in production, and can result in the development of available lands not suited for agriculture prior to the conversion of agricultural lands. This siting can also be found consistent with Coastal Act section 30242 because it likely avoids lands in agricultural production and instead places ADUs where renewed agriculture may not be feasible due to existing development.

Furthermore, the requirement to site ADUs in existing residential structures or clustered with the primary residence minimizes the amount of additional AG and RL lands that would be covered by residential development and associated infrastructure. Siting ADUs in or clustered with residential structures allows detached ADUs to rely on the same driveways and other exterior residential improvements developed for the single-family residence, minimizing the need to develop additional agricultural lands for additional external residential improvements. These limitations maximize the amount of prime agricultural land in production protects the long-term productivity of the soils, consistent with Coastal Act sections 30241 and 30243.

As a result, as modified by Suggested Modification 1, the proposed LUP amendment is consistent with the agricultural resource protection policies of the Coastal Act.

Consistency Analysis: Timberlands

Coastal Act section 30243 requires that the long-term productivity of soils and timberlands be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size be limited to providing for necessary timber processing and related facilities.

Within Mendocino's coastal zone, 27,725 acres on 533 APNs are designated as TP. While an ADU and associated external improvements are not likely to convert coastal commercial timberlands in units of commercial size, they could be sited in such a way that would compromise the utility of the remainder of a parcel for commercial harvesting (e.g., sited in the middle of an otherwise contiguous stand of trees), threatening the productivity of timberlands. As a result, the LUP amendment as proposed is inconsistent with Coastal Act section 30243.

Suggested Modification 1 modifies amended LUP Policy 3.3-5, adding a requirement that detached ADUs may only be permitted on timberland parcels if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Clustering the ADU with existing residential structures would likely avoid any impact on the ability of the remainder of the land to be harvested commercially. As discussed above, locating an ADU in existing residential structures or otherwise clustering also minimizes the need for any new external development associated with the ADU (e.g., driveway access), further minimizing encroachment onto productive timberlands.

As a result, as modified by Suggested Modification 1, the proposed LUP amendment is consistent with the timber resource protection policies of the Coastal Act.

3. References to Government Code 65852.2 & Minor Correction

References to Government Code 65852.2

The proposed amendment would add the following statement to LUP Policies 3.2-1, 3.3-5, and 3.9-1:

Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

The proposed reference to Government Code section 65852.2 is unclear and could result in interpretation of the LUP inconsistent with the Chapter 3 policies of the Coastal Act. While it is true that the intent of the amendment is to implement state ADU law, the County's proposed ADU standards may not be fully consistent with Government Code section 65852.2 as amended overtime.

Government Code section 65852.2(l) clarifies that nothing in the law supersedes or in any way alters or lessens the effect or application of the Coastal Act, except that the local government shall not be required to hold public hearings for CDP applications for ADUs. As a result, the stated intent of the County's LCP regulations is to protect coastal resources when regulating ADUs in the coastal zone, while also complying with the standards in section 65852.2 to the greatest extent feasible (proposed IP section 20.458.005).

The proposed reference to Government Code section 65852.2 could be misinterpreted as an intent to incorporate by reference this state code section into the LCP. This is problematic because (1) the government code section may contain provisions that are not in conformance with the certified LCP and (2) the code section can be changed without Commission knowledge or approval, creating additional inconsistency with the certified LCP or the Coastal Act.

Therefore, the LUP amendment as proposed with reference to Government Code section 65852.2 is inconsistent with the Coastal Act. To address this inconsistency, **Suggested Modification 1** removes the reference.

Minor Correction

The purpose of the proposed amendments to LUP Policies 3.2-1, 3.3-5, and 3.9-1 is to clarify that ADUs and JADUs may be allowed on legal parcels, including agricultural and timberland parcels. However, the proposed amendment language only references ADUs ("Accessory dwelling units may also be permitted"). The omission of JADUs from this language could become a point of confusion since ADUs and JADUs are treated as two separate dwelling types in the IP regulations (i.e., references to ADUs are not intended to apply to JADUs; JADUs are explicitly mentioned when standards apply to JADUs). Therefore, **Suggested Modification 1** adds explicit references to JADUs into the proposed amendment of LUP policies.

As modified by Suggested Modification 1, the LUP amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

C. IP Consistency Analysis

1. Adequacy of Services

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.5 (Visual Resources, Special Communities and Archaeological Resources), Policy 3.5-1 includes the following relevant language:

- 3.5-1 State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road...

LUP Chapter 3, Subchapter 3.8 (Transportation, Utilities and Public Services) includes the following relevant policies:

- 3.8-1 Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.
- On the rural side of the Urban/Rural Boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, availability of water and solid and septage disposal adequacy and other Coastal Act requirements and Coastal Element policies.
- Highway capacity impacts shall be considered in determining land use classifications and density changes.
- 3.8-3 Caltrans shall be requested to conduct a study within two years after the certification of this Plan based on a detailed origin and destination survey, trip generation data from different types of housing and accommodations, and new traffic counts. Safety shall be a major consideration in any Highway 1 study.
- 3.8-4 Caltrans and/or the Coastal Commission shall be requested to monitor Highway 1 usage at two-year intervals. The Coastal Act's requirement that the highway remain a two-lane scenic road in rural areas creates an obligation to maintain accurate data on highway capacity for planning purposes.
- 3.8-7 Land divisions and subdivisions creating new parcels or building sites or other proposed development, including lot line adjustments, mergers and issuance of conditional certificates of compliance shall be approved only where a community sewage disposal system with available capacity exists and is obligated to provide service or where a satisfactory site for a sewage system exists. Leach field approval shall require satisfactory completion of a site evaluation on the site of each proposed septic system. A leach field shall not be located where the natural grade exceeds 30 percent slope or where there is less than 5 feet of soil below the trench if natural grade exceeds 20 percent slope. This septic system policy is

consistent with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Control Board on April 17, 1979.

3.8-8 Newly constructed public water supply and sewage disposal systems and expansion of existing systems should be designed to serve development consistent with that permitted by the Land Use Plan, provided that a reasonable capacity should be reserved for potential industrial development at locations designated by the plan.

3.8-9 Approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised.

Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use.

LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development) includes the following existing policy:

3.9-4 Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:

- Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.
- Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable buildout limits should be increased or decreased.
- Whether any significant adverse cumulative effects on coastal resources are apparent.

LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development) also includes existing LUP Policy 3.9-1 which would be changed by the proposed LUP amendment and **Suggested Modification 1**. The policy as amended and modified reads as follows:

3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

Consistency Analysis: Traffic Capacity

As discussed in more detail earlier in Section IV(B) above, Highway 1 capacity was determined to be a density-limiting factor during Mendocino County's LCP certification process, resulting in the Commission changing proposed land use designations and/or maximum densities to significantly reduce allowable residential buildout in the County's coastal zone. As a result, Mendocino's certified IP currently prohibits ADUs (which are referred to as "second residential units") in the coastal zone except in the Gualala Town Plan area and Town of Mendocino.³¹

Removing this prohibition and instead allowing ADUs on all parcels with existing or proposed residences would significantly increase allowable buildout, potentially compounding existing capacity issues. The County has not prepared any updated

³¹ Second residences (i.e., independent living units) are also allowed throughout the County's coastal zone in cases where they are permitted as farm employee housing, farm labor housing, or family care units, or through LCP provisions for dwelling groups and residential clustering (where increased residential density is offset by surrounding open space).

service studies to demonstrate that either (1) traffic capacity issues are not as great as previously believed, or (2) that the unique characteristics of ADU development will result in ADUs having negligible impacts on capacity. Therefore, there are significant questions about whether and how ADU development will impact coastal resources, suggesting that a cautious approach to expanding ADUs in Mendocino County is warranted.

To that end, the proposed IP amendment establishes a 500-unit cap on ADUs outside of the Gualala Town Plan area and the Town of Mendocino. As discussed in the LUP consistency findings in Finding B above, the proposed cap: (1) ensures there will be no significant cumulative impacts on traffic capacity; and (2) is necessary to finding consistency with Coastal Act section 30250 and 30254, which are carried out in part through the LUP Policies listed above.

As discussed in the LUP consistency findings, the County has provided evidence on traffic and housing volumes and growth rates and previous traffic studies to demonstrate that a 500-unit cap will not result in a significant impact on traffic capacity. As proposed, any change to the cap would require an LCP amendment, and would require a traffic analysis to be prepared prior to such an amendment, to evaluate impacts associated with future growth on the capacity of Highway 1 in the coastal zone of Mendocino County. This requirement is consistent with LUP Policy 3.8-1 which specifies that highway capacity impacts shall be considered in determining density changes. The trigger of 500-units also aligns with LUP Policy 3.9-4, which requires a thorough review of Highway 1 capacity following approval of each 500 additional housing units in the coastal zone.

As adopted by the County, the traffic analysis required before any change in the 500-unit cap could be approved would evaluate impacts associated with future growth on the capacity of Highway 1, but would not necessarily be required to evaluate the specific impacts of ADUs on traffic capacity. The development and use of ADUs approved under the current amendment will provide a source of data regarding the numbers and locations of ADUs and their associated travel characteristics in the County's coastal zone that will facilitate the future studies to evaluate the impacts on Highway 1 capacity. Therefore, **Suggested Modification 2** ensures that any future traffic analysis used to lift or adjust the 500-unit ADU cap evaluates impacts on highway capacity associated specifically with proposed ADU allowances in addition to general growth projections.

Ultimately, the main reason to allow ADU development now ahead of an updated traffic analysis is to address an immediate and critical need for affordable housing in the coastal zone. Due to factors such as small size limitations on ADUs and the inability to subdivide and separately sell ADUs, ADUs can be a source of affordable, long-term rental housing. With this in mind, the state legislature has recently amended the state ADU law to further limit local restrictions on ADUs and streamline and facilitate the permitting and construction of more ADUs. The proposed amendment attempts to harmonize state ADU law requirements with Coastal Act requirements in the County's LCP in a way that continues to protect coastal resources while also reducing and eliminating barriers to the construction of ADUs.

The proposed amendment does not allow ADUs or JADUs to be used as vacation home rentals but does not otherwise restrict vacation home rentals on parcels with ADUs (except within the Gualala Town Plan area, where use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited). As a result, property owners could choose to live within their ADU or JADU and rent out their primary residence to transient guests as a vacation home rental, thereby not creating any new long-term housing in the coastal zone. This proposed allowance for vacation home rentals on properties with ADUs and/or JADUs could thus defeat the purpose of the amendment to help address the housing crisis.

In addition, the premise that the 500-unit ADU cap is consistent with and adequate to carry out the policies of the LUP regarding Highway 1 and service capacity is predicated in part on the presumption that ADU development will in fact provide long-term housing for Mendocino's workforce. Given the housing shortage, many employees on the coast are currently living in crowded and/or substandard rental units and/or far from their place of employment. As a result, creating more affordable, long-term housing could result in no change in VMT (as additional units are utilized by people already driving coastal roads) or could reduce VMT (by allowing people to live closer to where they work). If instead the proposed amendment is used to create more vacation home rentals, there would likely be an increase in VMT on Highway One with additional tourists generating additional tourist traffic. As a result, the IP amendment as proposed to allow vacation home rentals on parcels with ADUs and JADUs is inadequate to carry out the LUP as conditionally amended and modified.

It is important to note that while the Coastal Act and certified LUP prioritize visitor-serving accommodations, the purpose of this particular amendment is to encourage necessary housing. Vacation home rentals are allowed on the County's resource lands and most of its residential districts,³² and the County has no cap on the number of vacation rentals allowed outside of the Mendocino Town Plan area. As a result of the certified IP's existing provisions for vacation rentals and other visitor-serving accommodations, the proposed amendment does not need to allow for vacation rental development for the IP to be consistent with and adequate to carry out the LUP's visitor-serving policies.

Suggested Modification 2 broadens the proposed restriction on vacation rentals so that, on a property with an ADU and/or JADU, use of any dwelling as a vacation rental is prohibited. This suggested modification ensures that the proposed new ADU allowance increases long-term housing stock, meeting the intent of the amendment and preventing increases in VMT that could result in inadequate Highway One capacity.

³² The LCP defines vacation rentals as a Coastal Residential Use Type and vacation rentals are allowed as a permitted use in all districts except the following: Open Space, Fishing Village, Commercial, Industrial, Public Facilities, Gualala Village Mixed Use, Gualala Highway Mixed Use, Gualala Planned Development and Gualala Industrial (i.e., vacation rentals are allowed in the RR, RMR, SR, RV, AG, FL, TP, and RL Districts). Currently there are 382 vacation home rentals within the County's coastal zone outside the Town of Mendocino (Mendocino County TOT data and GIS, April 2020).

As suggested to be modified, the proposed IP amendment is consistent with and adequate to carry out LUP policies related to limiting development to what can be accommodated by a two-lane Highway One in rural Mendocino.

Consistency Analysis: Water Supply and Sewage Disposal Capacity

Most properties in the County's coastal zone are served by individual water wells and septic systems, although there are a number of community water and sewer systems that serve particular areas in the unincorporated County's coastal zone.³³ The County's coastal groundwater supply is limited, with the vast majority of the coastal zone mapped as areas of critical and marginal water resources. Although the 500-unit ADU cap is proposed by the County to address a lack of an updated comprehensive traffic analysis, the cap is also necessary to find that the proposed amendment will not have significant cumulative impacts on water supply.

According to the Mendocino County Division of Environmental Health (DEH), in addition to areas where groundwater availability is limited, there are also parcels scattered throughout the coast region where expanding septic capacity may be an issue due to high groundwater levels or lack of adequate soil depth. As a result of scattered water and septic limitations, DEH determines the adequacy of water and septic capacity on a parcel-by-parcel basis. These studies are essential to protecting existing users and the groundwater resource.

Proposed IP sections 20.458.040(B) and 20.458.040(C) require that the Division of Environmental Health (DEH) review and approve all ADU applications for the availability and adequacy of water and sewage disposal systems in accordance with standards established in DEH's "Guidelines for Accessory Dwelling Units," and, for water systems, also in accordance with the County's "Coastal Groundwater Development Guidelines." Under these provisions, all applications for an ADU would be referred to DEH and, if adequate water and sewer capacity cannot be demonstrated, the ADU would not be approved.

The proposed standards are problematic because they require demonstration of service in accordance with uncertified local guidelines. Even if these documents were reviewed by the Commission and found to be consistent with the Coastal Act, the documents could be changed at any time without Commission knowledge or approval. Such uncertified changes could adversely affect the implementation of the LCP. In addition, water and sewer standards as proposed only apply to ADUs and not to JADUs. As JADUs (by definition) must be contained entirely within an existing single-family dwelling unit, many JADUs will just be repurposed existing bedrooms that would not increase

³³ Community water and/or sewer systems include: the North Gualala Water Company (water), Gualala Community Services District (sewer), Anchor Bay County Waterworks (sewer), Point Arena Water Works (water), Irish Beach Water Company (water), Elk Community Services District (water), Pacific Reefs California Water District (water), Albion Mutual Water Company (water), Mendocino City Community Services District (sewer), Surfwood Mutual Water Corporation (water), Caspar South Water District (water), City of Fort Bragg (water), Fort Bragg Municipal Improvement District (sewer), and Westport County Water District (water and sewer).

septic and water service demands. However, there could be cases where JADUs, for example, are created in an attached garage, converting a currently non-habitable space into an independent dwelling unit and thus increasing service demands. In such cases, where a JADU intensifies the use of an existing residence, service capacity issues may arise or existing issues may be compounded. As a result, the IP ADU regulations as proposed are inadequate to carry out the certified LUP policies that require adequate water and sewer capacity to serve proposed residential development.

Suggested Modification 2 retains the requirement for DEH to review and approve the availability and adequacy of water and sewage disposal systems for all ADUs, but removes the references to uncertified County guidelines and extends the DEH review and approval requirement to any JADUs that result in the creation of additional bedrooms. Using additional bedrooms as a trigger for DEH review and approval ensures that any JADU that could increase service demand is referred to DEH, and is consistent with DEH's current guidelines, which base septic requirements on the net increase in bedrooms on a property. The County's uncertified guidelines require property owners located in water or sewer service districts to provide written approval from the service district specifically authorizing the connection of an ADU; Suggested Modification 2 would incorporate this requirement directly into the ADU regulations of the IP. Suggested Modification 2 would also add statements that adequate water supply and sewage capacity must be available to serve the proposed new ADU or JADU as well as existing residences on the property. These requirements will ensure that adequate services are provided regardless of whether and how DEH guidelines change overtime.

Thus, the proposed IP amendment, as modified, is consistent with and adequate to carry out the water and sewer capacity requirements of the LCP.

Consistency Analysis: Gualala Existing 100-Unit Cap and Service Capacity

The North Gualala Water Company, which serves the Gualala Town Plan area, has known capacity issues and is under a State-issued water connection moratorium relating to pumping restrictions on its two water wells on the North Fork Gualala River. As a result, any increase in the number of residential structures in Gualala would be inconsistent with the service capacity policies of the certified LUP.³⁴ However, the proposed amendment maintains the existing certified 100-unit cap on ADUs in Gualala as well as the prohibition on ADUs west of Highway One and the prohibition on ADUs on any parcel with a guest cottage, detached bedroom, or second dwelling unit. As a result, the proposed amendment would not allow for development of additional residential structures beyond what is currently allowed under the certified LCP in Gualala. In addition, the proposed IP amendment as modified would require written approval from the service district specifically authorizing the connection of any ADU and would otherwise require demonstration of the availability of water supply and sewage

³⁴ To date, the County has maintained a manual log (Excel spreadsheet) of ADU permits issued in the Gualala Town Plan area. Unfortunately, due to staff turnover, the log has been misplaced. It is estimated that, at most, three ADU permits have been issued since adoption of the Gualala Town Plan in 2002.

capacity before approval. Pursuant to the proposed amendment as modified, prior to any LCP amendment to modify the 100-unit cap, the County would be required to provide information that demonstrates that the plan area has adequate water and sewer capacity for projected buildout and to prepare a traffic analysis to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of Highway One in Gualala and the surrounding coastal zone. As a result, the proposed IP amendment to the ADU provisions for the Gualala Town Plan area is consistent with and adequate to carry out the LUP.

For all the reasons described above, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the service capacity policies of the certified LUP as amended and modified.

2. Agricultural and Timber Resources

Relevant LUP Policies

The AG and RL Districts carry out the AG and RL Designations, respectively. The FL and TP Districts carry out the FL Designation. The stated intents of the AG, RL, and FL Designations [included in LUP Chapter 2 (The Land Use Plan), Subchapter 2.2 (Description of Land Use Plan Map Designations)] are as follows:

AG Designation Intent: The Agricultural Lands classification is intended to be applied to lands which are suited for and are appropriately retained for production of crops. The classification should include lands presently under Type I Agricultural Preserve contracts, lands having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of agricultural lands. Permitted non-agricultural uses, to the greatest extent possible, should not occur on lands that might otherwise be devoted to crop production. Prime and non-prime lands and existing Agricultural Preserves are included. Reconsolidation of agricultural parcels into larger units shall be encouraged, especially where prime soils exist or where there are larger parcels that would be more likely to support agriculture. Encouragement shall consist of the following: A positive effort by the County of Mendocino to provide information, explaining the advantages of reconsolidation (i.e. increased agricultural potential and possible tax advantages).

RL Designation Intent: The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands.

FL Designation Intent: The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber related products. The classification

includes lands eligible to be zoned Timberland Production (TPZ); intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands.

The FL land use classification standards included in LUP Chapter 2, Subchapter 2.2 also state in applicable part:

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

No use permit shall be granted for areas designated FL until a specific finding has been made that the proposed use is compatible with the long-term protection of timber resource lands.

LUP Chapter 3, Subchapter 3.2 (Agriculture) includes the following relevant policies:

3.2-4 Zoning regulations shall not discourage compatible activities that enhance the economic viability of an agricultural operation. These may include cottage industry, sale of farm products, timber harvesting, not subject to the Forest Practices Act and limited visitor accommodations at locations specified in the plan. Visitor accommodations shall be secondary to the agricultural activity. Proposed projects shall be subject to a conditional use permit. Granting of the permit shall require affirmation findings to be made on each of the following standards. The project shall:

- maximize protection of environmentally, sensitive habitats;
- minimize construction of new roads and other facilities;
- maintain views from beaches, public trails, roads and views from public viewing areas, or other recreational areas;
- ensure adequacy of water, sewer and other services;
- ensure preservation of the rural character of the site; and
- maximize preservation of prime agricultural soils;
- ensure existing compatibility by maintaining productivity of on site and adjacent agricultural lands.

No permit shall be issued to convert prime land and/or land under Williamson Act to non-agricultural uses, unless all of the following criteria are met:

- a) all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable; and
- b) agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act); and
- c) clearly defined buffer areas are developed between agricultural and nonagricultural uses (see Policies 3.2-9, 3.2-12 and 3.2-13); and

- d) the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing; and
- e) public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality; and
- f) in addition, for parcels adjacent to urban areas, the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

3.2-5 All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

3.2-9 In order to minimize agricultural-residential conflicts, land divisions or site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.

3.2-16 All agricultural lands designated AG or RL shall not be divided nor converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Section 30250. Any such permitted division or conversion shall be compatible with continued agricultural use of surrounding parcels. "Feasible", as used in this policy, includes the necessity for consideration of an economic feasibility evaluation containing both the following elements: 1. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of proposed local coastal program or an amendment to any local coastal program. 2. An analysis of the operational expenses beyond the control of the owner/operator associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this policy, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal plan.

LUP Chapter 3, Subchapter 3.2 also includes existing LUP Policy 3.2-1 which would be changed by the proposed LUP amendment and **Suggested Modification 1**. The policy as amended and modified reads as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources) includes the following relevant policies:

- 3.3-2 Timberlands of commercial size have been designated FL on the Land Use Plan Maps.
- 3.3-3 A timberland unit of commercial size shall not be divided into parcels smaller than 160 acres, and shall not be converted to uses other than the growing of timber and those compatible uses as identified in Chapter 2 under the Forest Land Classification.
- 3.3-8 In order to minimize forest land-residential conflicts, site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for forest lands use, unless there is no other feasible building site on an existing residential parcel.

LUP Chapter 3, Subchapter 3.3 also includes existing LUP Policy 3.3-5 which would be changed by the proposed LUP amendment and **Suggested Modification 1**. The policy as amended and modified reads as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

A full list of relevant LUP policies is included in [Appendix B](#).

Consistency Analysis: Agricultural Resources

The proposed amendment would allow up to 500 ADUs and an unlimited number of ADUs in the County's coastal zone outside of the Gualala and Mendocino Town Plan areas, including on lands designated and zoned AG and RL. To protect agricultural resources, the proposed IP amendment would include standards (1) requiring detached ADUs on AG and RL parcels to be located within 150 feet of an existing legally-authorized structure [IP section 20.458.045(E)(1)]; and (2) prohibiting ADUs on non-prime soils [IP section 20.458.045(E)(2)]. An exception to the second standard could be allowed through an administrative or standard CDP process when it can be found that the ADU will not impact the long-term productivity of the agricultural land.

The stated purpose of the AG and RL land use classifications are to retain AG and RL lands for the growing of crops and raising of livestock, respectively. In addition, LUP Policies 3.2-5 and 3.2-16 only allow development on any lands suitable for agricultural use (or, in LUP Policy 3.2-16, designated AG or RL) if it is demonstrated that the development does not convert agricultural lands to a non-agricultural use, unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Coastal Act Section 30250. LUP Policy 3.2-5 further requires that any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

As discussed in the LUP consistency findings above, farmer-occupied or farm labor housing necessary for the performance of ongoing agricultural operations onsite or on parcels in contiguous ownership is considered a supplemental agricultural use. In contrast, residential development that is not incidental to and in support of onsite agriculture (or grazing on RL lands) is not a supplemental agricultural use and instead may represent a conversion of agricultural lands to a nonagricultural use.³⁵ Because the County's proposed amendment does not explicitly require ADUs and JADUs to be farm dwellings, unless ADUs and JADUs and their associated development completely avoid lands suitable for agriculture, the development of ADUs and JADUs could potentially result in agricultural conversion inconsistent with the intent of the AG and RL land use classifications and the agricultural resource protection policies of the certified LUP as amended and modified.

In addition, even structures that are associated with agriculture, such as farm labor housing, can reduce the amount of land available for agricultural production and harm the long-term productivity of agricultural soils, hindering rather than supporting

³⁵ For example, in Humboldt County, the certified LUP allows two dwelling units incidental to agricultural operations on parcels zoned as Agriculture Exclusive, but only if the dwellings are occupied by the owner/operator and the parent or child of the owner/operator. Similarly, Marin County's LCP allows for one intergenerational home in addition to a farmhouse per "farm tract" for the farm operator or owner, as a principally-permitted agricultural use. Intergenerational homes are intended to allow for the preservation of family farms by facilitating multi-generational operation and succession by allowing family members to live on the farm.

continued agricultural use of a property. Therefore, whether or not structures are considered agricultural in nature, standards must be included in the certified LCP to maximize land available for agricultural production, limit the impact of structures on agricultural viability, and maintain the long-term productivity of agricultural soils consistent with Coastal Act sections 30240-30243 and implementing LUP policies.

The proposed requirement to cluster new detached ADUs with existing structures on AG and RL lands helps reduce the footprint of structural improvements on agricultural land and potentially reduces the size of any conversion of agricultural land to a non-agricultural residential use. However, the proposed clustering requirement does not go far enough to ensure consistency with the agricultural resource protection policies of the LUP described above.³⁶

First, the proposed standard only requires clustering with existing structures, not necessarily residential structures. Clustering with a barn, greenhouse, stable, or some other agricultural outbuilding defeats the intent of the regulation to avoid encroachment into agricultural areas of the property.

Second, the required 150-foot clustering distance is too large. Although the AG and RL Districts have minimum lot sizes of 60 and 160 acres, respectively, there are many existing legal nonconforming lots that are smaller than the minimum parcel size where productive agricultural land area is more limited and the certified LCP affords legal nonconforming lots all the same uses as conforming lots. With the understanding that APNs do not necessarily correspond to separate, legal parcels, only 17 of the 467 RL District APNs and 31 of the 148 AG District APNs in the coastal zone conform to the minimum lot size standard for their respective district. According to the County, 52 of the nonconforming RL District APNs are between five and ten acres in size and 110 are less than five acres. In the AG District, 16 APNs are between five and ten acres and 47 are less than five acres. While a 150-foot spacing between two residential structures on a 160-acre RL District parcel may not seem significant, on smaller parcels, the resulting expansion of the residential use could result in grazing no longer being economically viable.

In addition, while two structures sited immediately adjacent to one another can largely rely on the same fire clearance area, driveway access, and other exterior improvements, 150 feet is potentially too large a distance to afford this benefit of clustering. Furthermore, any encroachment onto agricultural lands by a non-agricultural use is a conversion of agricultural land. For ADUs that do not constitute farm dwellings,

³⁶ The existing certified IP has a maximum lot coverage standard in the RL and AG Districts of 20% for parcels less than two acres in size, fifteen percent for parcels from two to five acres in size, and ten percent for parcels over five acres in size. While this standard limits the amount of overall structural development, it does not require clustering of non-agricultural structures to minimize encroachment onto productive lands and conflict with agricultural use of the site. In addition, lot coverage is defined in the certified IP [section 20.308.075(12)] to include area covered by buildings and structures, but not, for instance, gravel driveways.

the clustering requirement is intended not just to limit but to completely avoid displacement of agricultural land by siting the ADU fully within an existing developed area of the property. As a result, the proposed IP amendment is inadequate to carry out the agricultural resource provisions of the certified LUP as amended and modified.

Suggested Modification 2 modifies the proposed clustering requirement so that a detached ADU may only be permitted on AG and RL lands if it is located (1) within an existing legally-authorized residential structure; or (2) set back no greater than 100 feet from the existing or proposed legally-authorized primary residence and relies on the primary residence's driveway or another legally authorized driveway.

The proposed ADU clustering requirement as modified ensures that detached ADUs either replace or are clustered with existing residential structures in a manner that allows co-reliance on associated external improvements and thus minimizes any additional residential development footprint associated with the ADU. JADUs, ADUs attached to the primary residence, and detached ADUs placed within an existing legally-authorized residential structure avoid land that is in active agricultural production. Detached ADUs clustered with the primary residence may also be located within an existing residential development compound that is not in active agriculture use. Given that the subject land is already covered by, directly adjacent to, or otherwise clustered with, a permanent residential structure, the suitability of the site for agriculture and the feasibility of renewed agriculture may also be severely limited. Thus, the clustering requirement not only minimizes structural encroachment onto agricultural lands, but also helps ensure consistency with the agricultural land conversion policies in cases where ADUs do not constitute farm dwellings. The proposed standard as modified is also consistent with the clustering requirement in LUP Policy 3.2-1 as amended and modified.

Determining whether an ADU and associated development constitutes an agricultural conversion (i.e., whether the ADU is a farm dwelling in support of an active agricultural operation), and if so, whether such a conversion meets the conversion criteria of LUP Policies 3.2-5 and 3.2-16, requires discretionary review. **Suggested Modification 2** therefore adds a standard that on parcels zoned AG or RL, development associated with ADUs and JADUs (well, 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 this standard can be secured through the administrative or standard CDP process if findings are made that the ADU will not impact the long-term productivity of the agricultural land. This standard ensures that any potential conversion of agricultural land is reviewed through a discretionary permit process to ensure consistency with all of the agricultural resource protection provisions of the certified LCP.

i. Protection of Prime Agricultural Lands

As described above, any development associated with an ADU or JADU that is not a farm-dwelling could constitute a conversion of agricultural land. LUP Policy 3.2-4 severely limits the conversion of prime agricultural land (See **Exhibit X** for a map of prime farmland in the County's coastal zone as mapped in the LCP Land Capabilities

and Natural Hazards maps).³⁷ Whether a particular non-agricultural use meets the conversion criteria of LUP Policy 3.2-4 is highly context-specific, and thus a standard requiring discretionary review for ADUs on prime land is critical to ensure that the approval process for ADU development adequately carries out the LUP. However, the proposed IP standard 20.458.045(E)(2) prohibits ministerial CDPs for ADUs on non-prime “soils” rather than “lands.” Because the definition of prime agricultural land includes more than just soil types,³⁸ the proposed standard as written is inadequate to carry out the LUP. Therefore, **Suggested Modification 2)** clarifies that this standard applies to all land designated prime agricultural land.

In conclusion, the proposed IP amendment as modified to strengthen standards for ADUs on AG and RL lands is consistent with and adequate to carry out the AG and RL land use designations and agricultural resource protection policies of the certified LUP as amended and modified.

Consistency Analysis: Timberlands

Coastal Act section 30243 is carried out by the County’s LCP in part through the Forest Lands (FL) land use designation (and corresponding FL and TPZ Districts), the intent of which is to designate lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. In addition, the LUP prohibits conversion of timberland to incompatible uses (LUP Policy 3.3-3) and requires avoidance of timberlands soils in housing development (LUP Policy 3.3-5), among other protective policies.

Proposed IP section 20.458.045(E)(3) prohibits ADUs on parcels zoned FL or TPZ in locations where “timber removal is necessary,” although an exception can be granted through an administrative or standard CDP process if it can be found that the ADU will

³⁷ According to the County, approximately nine percent (8,617 acres) of Mendocino County’s coastal zone is prime agricultural land, and approximately 30 percent (approximately 2,500 acres) of these lands are under active agricultural management. The 2003 Mendocino County Coastal Conservation Plan further clarifies that prime and active agricultural lands are highly concentrated between Elk and Point Arena, particularly in the Manchester farming area. Approximately 20 percent of eligible prime farmland and 50-60 percent of agricultural lands (active agricultural lands identified by CALVEG) in the coastal zone have been designated as Agricultural Preserves and are under Williamson Act contracts (a program which provides a preferential tax based on agricultural value in exchange for prohibitions to development for a period of 10 years).

³⁸ Coastal Act section 30113 and Mendocino Coastal Zoning Code section 20.308.095(J) define “prime agricultural land” to include land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Story Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

not impact the long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.

As timber removal is not defined elsewhere in the certified LCP, it is unclear whether the proposed standard prevents any tree or any tree that is a commercially harvested species from being removed, prevents a unit of commercial size from being harvested, or has some other meaning. As a result of this lack of clarity, this standard is inadequate to carry out the certified timberlands LUP policies as amended and modified. Therefore, **Modification 2** clarifies that ADUs are only permitted in areas where no major vegetation removal is required. Major vegetation removal is defined in certified IP section 20.308.080(C).

This proposed regulation severely limits tree removal directly associated with the establishment of an ADU; however, this regulation does not preclude a property owner from constructing an ADU in an area where trees were previously removed (such as through a timber harvest plan), preventing their reestablishment. The aforementioned LUP policies protecting the long-term productivity of timberlands and limiting conversion of commercial timberlands apply regardless of whether trees were recently harvested on a site. Development of an ADU could temporarily prevent the reestablishment of trees on commercial timberlands and could have long-term impacts on underlying soils. As a result, IP section 20.458.045(E)(3) as proposed is insufficient by itself to adequately carry out the timberlands LUP policies as amended and modified.

The proposed amendment includes an additional timberlands protection standard [section 20.458.045(E)(1)] that only allows detached ADUs in the FL and TP Districts if located within 150 feet of an existing legally-authorized structure. While an ADU itself is limited in size by the proposed regulations, additional space around the ADU must be maintained free of trees for access, fire safety, and other improvements. If clustered with other structures, the ADU can take advantage of the existing structure's accessway, fire clearance, etc., minimizing additional displacement of timberlands. However, a requirement to simply cluster with existing structures does not prevent encroachment into areas that would otherwise be used for forest production and processing (e.g., siting adjacent to structures used for forestry equipment). In addition, 150 feet is potentially too large a distance to reap the intended benefits of clustering, such as preventing encroachment beyond existing residential areas and allowing reliance on existing driveways and other exterior improvements associated with residential development. These limitations therefore do not adequately ensure that detached ADUs, and cumulative structural development associated with ADUs, will avoid significant further encroachment onto viable timberlands.

An ADU that results in additional displacement of area that could otherwise be used for the growing of timber could compromise use of the remainder of a FL or TP parcel for commercial timber operations. While the FL and TP Districts have a 160-acre minimum parcel size, there are many nonconforming parcels in the coastal zone with respect to minimum parcel size where productive timberlands are more limited. With the understanding that using APNs as a proxy for legal parcels may result in an overestimation of the number of nonconforming parcels, none of the 83 FL District

APNs and only 30 of the 450 TP District APNs in the coastal zone meet the minimum 160-acre parcel size. Under the County's LCP, existing legal nonconforming lots are allowed all the same uses as conforming lots and would be allowed ADUs and JADUs under the proposed amendment. As a result, there may be smaller FL and TP parcels that are just large enough to be harvested commercially, where any additional displacement of timberlands could threaten the commercial growing, harvesting and production of timber and timber-related products.

The amendment as proposed is therefore inadequate to carry out the timber resource protection policies of the certified LUP as amended and modified.

Suggested Modification 2 modifies proposed section 20.458.045(E)(1) to require detached ADUs to be set back no greater than 100 feet from the primary residence and to be reliant on the primary residence's driveway or another legally authorized existing driveway. These requirements would not apply if the detached ADU is located in an existing legally-authorized residential structure. As modified, this IP standard is consistent with LUP Policy 3.3-5 as amended and modified, which requires clustering with the primary residence unless located in a legally-authorized residential structure. The reduced minimum clustering distance imposed by Suggested Modification 1, along with the County's proposed restrictions on the maximum size of ADUs, ensure that ADUs will not significantly increase existing or proposed residential development footprints within timberlands.

Suggested Modification 2 also modifies proposed section 20.458.045(E)(3) to prohibit the issuance of ministerial CDPs where development associated with ADUs and JADUs (wells, water storage facilities, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) encroaches beyond the existing residential development footprint onto lands suitable for timber production. Unless an ADU or JADU and all exterior improvements associated with the ADU or JADU do not result in the conversion of additional timberlands, such development could compromise commercial timber operations. The suggested modification ensures discretionary review occurs in such cases so that potential impacts on the commercial growing, harvesting and production of timber and timber-related products can be fully evaluated, including potentially through economic analysis of timber production feasibility.

For all the reasons discussed above, the proposed IP amendment as modified by Suggested Modification 2, is consistent with and adequate to carry out the timber resource protection policies of the LUP as amended and modified.

3. Hazards

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.4 (Hazard Management) includes the following relevant policies:

- 3.4-1 The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from

seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

- 3.4-7 The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula: $\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$ The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation. All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologists report.
- 3.4-11 No development, except flood control projects, to protect existing structures, nonstructural agricultural uses, and seasonal uses shall be permitted in the 100-year floodway unless mitigation measures in accordance with FEMA regulations are provided.
- 3.4-12 Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development or public beaches or coastal dependent uses. Allowed developments shall be processed as conditional uses, following full environmental geologic and engineering review...
- 3.4-13 All new development shall meet the requirements for fire protection and fire prevention as recommended by responsible fire agencies.

Consistency Analysis

Consistent with Coastal Act section 30253, the hazard management policies of the County's certified LUP require minimization of risk to life and property in areas of high geologic, flood, and fire hazard. Regarding fire hazards, LUP Policy 3.4-13 requires all new development to meet the requirements for fire protection and fire prevention as

recommended by responsible fire agencies. To carry out LUP Policy 3.4-13, the proposed amendment includes a standard which requires ADU applications to include a preliminary clearance letter from CalFire and/or a local fire district depending on whether a property is within a State Responsibility Area or a Local Responsibility Area [IP section 20.458.040(D)].

Regarding geologic and flood hazards, proposed IP section 20.458.045(H) prohibits ADUs in areas designated as Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District (see [Exhibit 7](#) for a map of these hazardous areas). These combining districts cover areas mapped as having significant flood, seismic, and/or geophysical hazards. An exception to this prohibition is allowed through a discretionary CDP review process where a licensed engineer can demonstrate that the proposed development is consistent with the IP standards established for these hazard combining districts. In addition, proposed section 20.458.040(E) prohibits ADUs without exception in designated special flood hazard areas which are shown on FEMA Flood Insurance Rate Maps.³⁹

While the proposed standards reduce risks of geologic, flooding, and fire hazards, proposed IP section 20.458.040(E) appears to conflict with proposed section 20.458.045(H), because section 20.458.040(E) prohibits ADUs in designated special flood hazard areas, while section 20.458.045(H) allows ADUs in areas designated FP Combining District (which applies to special flood hazard areas) through an administrative or standard CDP process. Such an internal inconsistency can affect implementation of the ADU regulations and thus can result in the proposed amendment being inadequate to carry out the certified LUP. **Suggested Modification 2** addresses this discrepancy by fully prohibiting ADUs without exception in special flood hazard areas and the FP Combining District (which both cover the same area).

Consistency Analysis: Blufftop Development

Certified LUP Policy 3.4-7 requires that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans and to eliminate the need for shoreline protective works, with adequate setback distances derived from a site-specific geologic investigation. Certified LUP Policy 3.4-12 prohibits shoreline protection structures unless necessary for the protection of existing development or public beaches or coastal dependent uses and only if approved as conditional uses, following full environmental, geologic, and engineering review.

In the Gualala Town Plan area, ADUs and JADUs are prohibited on parcels that are located west of Highway One, largely ensuring their safety from bluff erosion and cliff

³⁹ JADUs are not prohibited in hazard areas because, pursuant to Government Code section 65852.22(d), "For the purposes of any fire or life protection ordinance or regulations, a JADU shall not be considered a separate or new dwelling unit."

retreat consistent with LUP Policy 3.4-7. To address bluff stability in the remainder of the unincorporated County where ADUs would be allowed on blufftop parcels, the County proposes a standard that prohibits ADUs within 125 feet of the edge of a coastal bluff unless contained entirely within an existing legally-authorized structure [proposed IP section 20.458.045(B)]. As proposed, an exception to this bluff setback standard can be authorized through the standard coastal development permit process. According to County staff, the proposed 125-foot setback standard was adopted based in part on the fact that the largest bluff setback ever recommended by a geotechnical report in unincorporated Mendocino County was 100 feet.⁴⁰

To approve a ministerial CDP for an ADU, the County must find the ADU consistent with all applicable standards of the LCP (in addition to the ministerial standards proposed in the ADU chapter). However, in practice, hazard issues may be inadequately considered through a ministerial review process, and therefore a bluff setback standard is necessary to adequately carry out the hazard policies of the certified LUP.

The proposed 125-foot bluff setback standard does not apply to JADUs or ADUs contained entirely within an existing legally-authorized structure. If the existing structure within 125 feet of the bluff edge is a non-residential space (such as a shed), conversion to an ADU would constitute an intensification of use in a potentially hazardous area. The proposed use of a structure may be taken into consideration during geotechnical review of a site, and a non-habitable space may be allowed a smaller setback because the risk to life and property is lower. Therefore, the County cannot assume that prior geotechnical review for a non-habitable structure is adequate when that space is converted to an independent living space. In addition, an existing structure within 125 feet of the bluff edge could be nonconforming with the hazard management policies of the LUP, such as a single-family dwelling or accessory living unit constructed prior to the Coastal Act without an adequate bluff setback. Allowing conversion to an ADU or addition of a JADU could significantly extend the expected lifetime and economic value of the nonconforming structure as well as increase the intensity of use of the structure and risks to life and property.

Finally, the proposed bluff setback standard does not apply to exterior development associated with ADUs and JADUs, including but not limited to wells, water storage, septic improvements, parking and driveways, and vegetation removal for fire safety. Exterior improvements associated with the ADU or JADU near the bluff edge could contribute to destabilization and erosion of the bluff or could themselves be compromised by bluff retreat. If external improvements such as water wells and leach fields are compromised, that could render the ADU or JADU unusable during its anticipated lifetime. As a result, the IP bluff setback standard as proposed does not minimize geologic threat consistent with LUP Policy 3.4-1.

⁴⁰ The geotechnical report that recommended the 100-foot setback did not include a factor of safety and therefore was likely not conservative enough to ensure safety. For this reason, the County proposes a 125-foot setback for ADUs rather than a 100-foot setback.

Suggested Modification 2 would narrow the exception to the 125-foot bluff setback standard to only cover an ADU or JADU contained entirely within an existing legally-authorized 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. At the County's request, Suggested Modification 2 also adds a definition of "legally-authorized residential structure" to the definitions section of the IP, as this is a term that is not otherwise defined or utilized in the certified IP. In addition, Suggested Modification 2 also requires all new development associated with an ADU or JADU to be located more than 125 feet from the bluff edge, unless an exception is granted through the standard CDP process.

As modified, the bluff setback exception would only apply in situations where an existing residential space is converted into an ADU or JADU, avoiding situations where sheds and other non-habitable structures are converted and result in a significant intensification of use in a hazardous area without adequate geotechnical review. The bluff setback exception as modified would also prevent JADU and ADU improvement that result in redevelopment/replacement of a nonconforming structure within 125 feet of the bluff edge. This limit on the amount of structural improvements allowed limits the extent to which development associated with an ADU or JADU extends the life and economic value of nonconforming structures. Allowing use of existing nonconforming structures without potential for redevelopment is consistent with LUP Policy 3.4-7 which requires new structures to be set back a sufficient distance from the edge of bluffs to ensure their safety during their economic lifespans. In addition, as modified, the bluff setback requirement covers all potential external development associated with JADUs and ADUs such as new driveways, septic systems, and wells that could be threatened by bluff erosion and/or could cause or contribute to bluff instability.

As suggested to be modified, the proposed amendment minimizes risk to life and property in areas of high geologic, flood, and fire hazard consistent with the hazard management policies of the certified LUP.

4. Environmentally Sensitive Habitat Area

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.1 (Habitats and Natural Resources) includes resource protection policies that (1) define environmentally sensitive habitat areas (ESHA) to include wetlands, riparian zones on streams, and other sensitive plant or wildlife habitats; and (2) limit development in and adjacent to ESHA consistent with Coastal Act section 30240. LUP Policy 3.1-2 and 3.1-7 outline protocols that must be followed when development is proposed in or near ESHA to ensure consistency with Coastal Act section 30240:

- 3.1-2 Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the

County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.

If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.

- 3.1-7 A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards: 1. It shall be sited and designed to prevent impacts which would significantly degrade such areas; 2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and 3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

In addition, LUP Policies 3.1-4 and 3.1-13 limit development in wetlands consistent with Coastal Act section 30233, and LUP Policy 3.1-8 provides direction for future implementation of the wetland protection policies of the LUP:

- 3.1-8 The implementation phase of the LCP shall include performance standards and mitigating measures necessary to reduce adverse impacts on wetlands and wetland buffer areas from permitted developments. Such standards and mitigating measures shall be consistent with those recommended in the California Coastal Commission's Statewide Interpretive Guidelines for Wetland and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981.

Consistency Analysis

Coastal Act section 30240 requires that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas and be compatible with the continuance of such habitat areas. LUP Policy 3.1-7 implements this policy in part by requiring a minimum 100-foot-wide buffer area adjacent to all ESHA, with allowance to reduce the buffer down to 50 feet if the applicant can demonstrate, after consultation and agreement with the California Department of Fish and Wildlife (CDFW), and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The ESHA protection policies of the LUP are in part implemented through existing certified IP chapter 20.496, which outlines detailed application procedures and development criteria for proposed development in and adjacent to ESHA, as well as IP section 20.532.100, which includes supplemental findings required for development in ESHA.

The proposed ADU regulations attempt to carry out LUP Policy 3.1-7 by prohibiting ADUs within 100 feet of the boundary of an ESHA unless contained entirely within an existing legally authorized structure, only if all external development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) is located more than 100 feet away from any ESHA [proposed IP section 20.458.045(A)]. The proposed standard allows exceptions to these requirements through an administrative or standard CDP process. These requirements ensure adequate discretionary review in consultation with CDFW and County Planning staff when a smaller buffer is requested, consistent with LUP Policy 3.1-7.

The proposed setback standard does not apply to JADUs or ADUs contained entirely within an existing legally-authorized structure. This exception is problematic because conversion of a non-habitable structure such as a shed to a living space is an intensification of use that could result in additional impacts to biological resources if located in or within 100 feet of ESHA. For example, converting a shed to an ADU may increase the amount of exterior lighting, noise, and physical (human, vehicular, and pet) encroachment into ESHA and necessitate ground disturbance and vegetation removal for fire safety, utility improvements, driveways, etc. In addition, the repair, maintenance, and improvements to existing legally authorized nonconforming structures for purposes

of creating an ADU or JADU could significantly extend the expected lifetime of the structures and/or increase the degree of nonconformity with respect to habitat protections, resulting in new and extended impacts to ESHA. As a result, the proposed IP amendment as submitted is inadequate to carry out the ESHA protection policies of the certified LCP.

Suggested Modification 2 would narrow the exception to the 100-foot setback standard to only cover an ADU or JADU contained entirely within an existing legally-authorized 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. At the County's request, Suggested Modification 2 also adds a definition of "legally-authorized residential structure" to the definitions section of the IP, as this is a term that is not otherwise defined or utilized in the certified IP. As modified, the ESHA setback exception would only apply in situations where an existing residential space is converted into an ADU or JADU, avoiding situations where sheds and other non-habitable structures are converted and result in a significant intensification of use in a sensitive area. Limiting the amount of improvement allowed also limits the extent to which development associated with an ADU or JADU extend the life of nonconforming structures in and adjacent to ESHA and prevents redevelopment of such structures.

For all the reasons discussed above, the proposed IP amendment, as suggested to be modified, is consistent with and adequate to carry out the ESHA protection policies of the certified LCP.

5. Visual Resources

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) includes the following relevant policies:

- 3.5-1 State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road. The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.
- 3.5-3 The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas

including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes...

- The entire coastal zone from the Ten Mile River estuary (including its wooded slopes, wetlands, dunes and ocean vistas visible from Highway 1) north to the Hardy Creek Bridge, except Westport Beach Subdivision which is a recognized subdivision containing parcels of approximately 20 acres in size covered by Policy 4.2-1 and is East of Highway 1.
- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.
- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Navarro River and the north boundary of the City of Point Arena as mapped with noted exceptions and inclusions of certain areas east of Highway 1.
- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the south boundary of the City of Point Arena and the Gualala River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

Consistency Analysis: Highly Scenic Areas

As described in the County's Coastal Element, Mendocino's coastal zone includes beaches, dunes, high bluffs, sea stacks, jutting headlands, wetlands, heavily wooded gulches, grassy upland terraces, pygmy forests, serene river estuaries and rocky streams as well as small coastal villages with distinct character. To protect the coast's remarkable visual quality, the County has mapped specific geographic areas on the certified Land Use Maps as "highly scenic," and consistent with Coastal Act section 30251, LUP Policies 3.5-1 and 3.5-3 require that new development in highly scenic areas be subordinate to the character of its setting. LUP Policy 3.5-3 also requires that any development permitted in highly scenic areas provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points,

beaches, parks, coastal streams, and waters used for recreational purposes. These policies are carried out largely through certified IP chapter 20.504, section 20.504.015, which includes detailed development criteria for any development permitted in highly scenic areas. See [Exhibit 8](#) for a map of designated highly scenic areas.

Given that the standard of requiring subordination of development to the character of the setting is highly subjective, the proposed amendment includes a coastal resource protection standard prohibiting ministerial CDPs for ADUs located in highly scenic areas, unless the ADU is not visible from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes [proposed section 20.458.045(C)]. Any proposed ADU in a designated highly scenic area that would be visible from public areas may instead be authorized through the standard coastal development permit process to ensure consistency with the detailed standards established in Chapter 20.504. Although consistency with the entirety of the LCP is required even for ADUs approved ministerially, the ministerial CDP process does not afford the detailed, discretionary review necessary to ensure ADUs are truly subordinate to the character of the setting consistent with the aforementioned certified LUP policies.

The proposed standard is contingent on whether the ADU would be visible from public areas. The standard is problematic in that visibility can change overtime, depending on what is shielding the ADU from view. For example, vegetative screening can die or easily be removed for other reasons, making a previously invisible ADU a prominent feature in a highly scenic area, inconsistent with the requirements of LUP Policy 3.5-3. As a result, the standard as proposed is inadequate to carry out the highly scenic area policies of the LUP.

Suggested Modification 2 modifies the standard to require that an ADU is only eligible for a ministerial CDP in a highly scenic area if it is “permanently and entirely blocked from view.” This stronger standard requires the reviewing authority to consider how the ADU is being screened from view and whether that invisibility will be permanently maintained. As modified, the proposed IP amendment is consistent with and adequate to carry out the highly scenic policies of the LUP.

Consistency Analysis: Outside of Highly Scenic Areas

LUP Policy 3.5-1, consistent with Coastal Act section 32051, requires all development, regardless of whether or not it is proposed within a highly scenic area, to be sited and designed to protect views to and along the ocean and scenic coastal areas,⁴¹ minimize the alteration of natural landforms, and be

⁴¹ It is important to note that in the Gualala Town Plan area, ADUs are prohibited west of Highway One which will help ensure that ADUs do not block views to and along the ocean and scenic coastal areas.

visually compatible with the character of the surrounding area. To minimize alteration of landform, the proposed ADU amendment includes a standard prohibiting ministerial CDPs for ADUs if the total amount of grading associated with the construction of an ADU is more than 20 cubic yards [20.458.045(D)]. As a result, any ADU development that may result in significant alteration of a natural landform will require discretionary review with the certified LCP's existing strong visual standards.

However, the ADU standards as proposed are inadequate to carry out the provisions of LUP Policy 3.5-1 requiring that development be compatible with the character of the surrounding area. To ensure that permitted development outside of highly scenic areas is consistent with LUP Policy 3.5-1 and Coastal Act section 32051, the County proposes a "friendly modification" to proposed IP section 20.458.045(C) (incorporated into **Suggested Modification 2**) that requires ADUs located outside of highly scenic areas but that are visible from a public viewpoint to be of a similar architectural style, building materials and colors as the primary residence on a property. Thus, as modified, the proposed ministerial CDP standards for ADUs ensure visual resource protection both within and outside of designated highly scenic areas, consistent with and adequate to carry out the visual resource protection policies of the LUP.

6. Archaeological Resources

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) includes the following relevant policies:

- 3.5-10 The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.

Consistency Analysis

As discussed extensively above, the proposed ADU regulations include a list of "objective" coastal resource protection standards to be used in the review of ministerial CDPs for ADUs (and in certain cases JADUs). As proposed, no archaeological resource standards are included in this list.

The County plans to use the proposed objective ADU standards as an LCP conformance checklist to ensure that ADUs approved under the ministerial CDP process are consistent with the Coastal Act and LCP's resource protection policies. While ADUs and JADUs must also comply with all applicable standards of the certified LCP,⁴² including LUP Policy 3.5-10, in practice, the ministerial CDP process may result in inadequate consideration of Coastal Act and LCP coastal resource protection policies not specifically addressed in the ADU checklist standards. In addition, the proposed ministerial CDP process does not allow for local public hearings or local appeals and includes a shortened permitting timeline which could hinder adequate archaeological resource investigation and tribal consultation in sensitive areas. As a result, the proposed ADU provisions are inadequate to carry out certified LUP Policy 3.5-10 which requires protection of archaeological resources.

County staff has requested a friendly modification (included in **Suggested Modification 2**) to amend the proposed ADU coastal resource protection checklist standards (proposed IP section 20.458.045) to require ADUs⁴³ on properties with known archaeological resources to obtain an administrative or standard CDP. The Commission further modifies this friendly modification to require that development of ADUs on properties with known archaeological resource may only be approved under an administrative or standard coastal development permit review process and only where reasonable mitigation measures are employed to protect archaeological resources. This required discretionary review process will ensure that the provisions of LUP Policy 3.5-10 are carried out in sensitive areas, including requirements for a field survey by a qualified professional and the incorporation of reasonable mitigation measures. Thus, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the archaeological resource protection provisions of the certified LUP.

7. Public Access

Relevant LUP Policies

LUP Chapter 3, Subchapter 3.6 (Shoreline Access and Trail/Bikeway System) is the public access component of the certified LUP and includes among other relevant policies, the following policies:

- 3.6-27 No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's

⁴² Certified IP section 20.532.095 lists required findings for all coastal development permits including that the proposed development is in conformity with the certified LCP and will not have any adverse impacts on any known archaeological or paleontological resources.

⁴³ As JADUs by definition must be contained entirely within an existing legally-authorized single-family dwelling, JADUs should not themselves result in ground disturbance that could impact buried archaeological resources and thus have not been included in this standard.

"Manual on Implied Dedication and Prescriptive Rights". Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval.

Development may be sited on the area of historic public use only if: (1) no development of the parcel would otherwise be possible, or (2) proposed development could not otherwise be sited in a manner which minimizes risks to life and property, or (3) such siting is necessary for consistency with the policies of this plan concerning visual resources, special communities, and archaeological resources. When development must be sited on the area of historic public use an equivalent easement providing access to the same area shall be provided on the site.

- 3.6-28 New development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement, as required by other policies in this Chapter, for public use. Such offers shall run for a period of 21 years and shall be to grant and convey to the people of the State of California an easement for access over and across the offeror's property.

Consistency Analysis

LUP Policy 3.6-28 requires new developments on parcels containing accessways identified on the County's land use maps to provide an irrevocable offer to dedicate a public access easement, and LUP Policy 3.6-27 does not allow interference with the public's right of access to the sea, including when acquired by use. These policies are carried out in part by chapter 20.528 of the certified IP, "Coastal Access Regulations and Open Space Easements."

The proposed ADU regulations retain an existing prohibition on ADUs and JADUs on parcels that are located west of Highway One in the Gualala Town Plan area. As a result, ADU development in Gualala does not have the potential to impact shoreline access. In contrast, the proposed IP amendment would allow ADUs and JADUs developed outside of the Gualala Town Plan area to be located west of Highway One where access to and along the shoreline could be implicated. However, the proposed ADU regulations include a coastal resource protection checklist standard (proposed IP section 20.458.045) prohibiting ADUs from interfering with a public or prescriptive easement for access to the blufftop and/or shoreline. In addition, to approve any coastal development permit, whether for a new ADU or JADU, or other proposed development, the existing IP requires that the approving authority to make findings of consistency with the certified LCP, and if the proposed development is located between the first public road and the sea or the shoreline of any body of water, the public access and recreation policies of Chapter 3 of the Coastal Act. To clarify these requirements apply to ministerial coastal development permits approved for ADUs, the County staff has suggested amending the proposed ministerial CPD approval provisions for ADUs to expressly require the approving authority (the Director or his designees) make findings of consistency with the existing required findings sections of the certified LCP (Chapter 458 and sections 20.532.095 and 20.532.100) that require consistency with the certified

LCP and the public access and recreation policies of the Coastal Act for development between the first public road and the sea. The change is incorporated into **Suggested Modification 2**.

As locally approved development between the first public road and the sea is appealable to the Commission, ADU development within those areas that raises issues of conformance with LCP and Coastal Act public access policies could be considered by the Commission through the CDP appeal process.

In many communities along the California coast, the public must sometimes compete with residents for parking near public access points, and the lack of parking can discourage public access use. Mendocino County's IP, like most LCPs, includes requirements that residential properties account for their parking needs on their own properties, often referred to as 'off-street' parking requirements (e.g., typically in garages, carports, covered parking, etc.). Under the proposed LCP amendment, Mendocino County would require one off-street parking space per ADU, except where state ADU law precludes off-street parking requirements, such as within half a mile of a public transportation stop, within designated historic districts, and in other specialized situations. No additional parking is required for JADUs.

The proposed ADU amendment should not result in significant impacts on public access parking. As discussed previously, Mendocino County is predominantly rural and residential densities are very low, limited for the most part to one residential unit per parcel except for the opportunity afforded by the proposed amendment to provide for a limited number of ADUs with the aforementioned off-street parking. Thus, the demand for on-street parking to serve residential uses within the County's coastal zone is very low in comparison to many parts of the California coast. In addition, the proposed amendment does not provide for ADUs and JADUs within the few areas of the County's coastal zone where residents and public access users are likely to compete for parking. The two incorporated cities in the Mendocino coastal zone, Fort Bragg and Point Arena, have their own separate certified LCPs. As discussed previously, the Town of Mendocino is covered by a separate segment of the Mendocino County LCP that is unaffected by the proposed ADU amendment. Also as discussed previously, the certified LCP does not allow for ADUs west of Highway 1 in the community of Gualala, and the proposed amendment would not change that existing requirement. Although there is a scattering of additional rural villages elsewhere along the Mendocino coastal zone, the populations are very small and opportunities for parking on streets or in other public areas are generally plentiful.

Therefore, the proposed IP amendment as submitted is consistent with and adequate to carry out the public access provisions of the certified LUP and Coastal Act.

8. Coastal Development Permit Requirements

Relevant LCP Sections

The County's Coastal Zoning Code (certified IP) section 20.532.010 requires coastal development permit authorization for proposed development within the Coastal Zone:

Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

Certified IP section 20.308.035(D) broadly defines "development" as follows:

"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.

Certified IP section 20.532.020 sets forth provisions for exempting certain types and classes of development from the need to obtain a CDP:

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;

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.

The County also has an adopted a categorical exclusion order (Categorical Exclusion Order No. E-91-2A) which was approved in 1992 and amended in 1995. The order excludes the following categories of development from the requirement to obtain a CDP: (1) single family residences in mapped exclusion areas; (2) water wells throughout the coastal zone subject to certain criteria; and (3) septic systems throughout the coastal zone subject to certain criteria.

Consistency Analysis: Proposed Permit Exemption for JADUs

The proposed IP amendment would add an additional CDP exemption to certified IP section 20.532.020 exempting JADUs which are consistent with the requirements of IP

chapter 20.458 (i.e., the proposed ADU/JADU regulations) from the need for a CDP. In contrast, section 20.458.020 would be amended to state that ADUs located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from CDP requirements.

Minor changes to an existing legally established residential structure that do not involve the removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development as defined by the certified LCP and Coastal Act, or may qualify as development that is exempt from coastal permit requirements. In many instances, JADU creation and use either doesn't constitute development or is development that is exempt from CDP requirements under Coastal Act section 30610 and the Commission's regulations. However, determinations as to whether JADU creation and use either don't constitute development or are exempt are very fact specific and must be based on an interpretation of the Coastal Act and the Commission's regulations. For example, even if the JADU use does not constitute development, physical improvements associated with the JADU (e.g., structural improvements to the residence or external improvements such driveway improvements, water storage, well, or septic improvements) may rise to the level of development. This associated development may still fall under permitting exemptions for repair and maintenance or improvement to an existing single-family residence or may be exempted from permitting by the County's categorical exclusion order. However, in certain circumstances, such as where there is a risk of substantial adverse environmental impact or future development restrictions imposed on a parcel through previous permit conditions, this associated development would require a CDP.⁴⁴ As a result, the JADU exemption as written is too broad to be consistent with the permitting requirements of the LCP and Coastal Act. Although ADU creation and use is more likely to constitute development which is not exempt from CDP requirements than JADU creation and use under the Coastal Act and the Commission's regulations, there may be instances where aspects of ADU creation and use could be found not to require CDP authorization. An LCP cannot exempt development that is not exempt under the Coastal Act and the Commission's regulations.

Suggested Modification 2 deletes the proposed CDP exemption language that would be added to section 20.532.020 by the amendment. This modification ensures that section 20.532.020 remains consistent with the permitting and exemption provisions of the certified IP and Coastal Act. As a result, the proposed IP amendment as modified is consistent with and adequate to carry out the certified LUP.

Consistency Analysis: Proposed Findings of Approval of a Ministerial CDP

⁴⁴ For instance, Title 14 of the Government Code, section 13250(b)(1) (incorporated by reference into certified IP section 20.532.020) requires a CDP for "improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff."

Proposed IP section 20.532.015(B) states that the purpose of a ministerial CDP is to provide for the administrative issuance of CDP for ADUs which comply with the objective requirements specified in proposed section 20.458.045. This proposed purpose statement could be misinterpreted to mean that the proposed ADU-specific standards in IP chapter 20.458 outside of section 20.458.045 or other LCP standards beyond chapter 20.458 do not apply.

Certified IP section 20.532.095 includes a list of required findings that must support granting or modification of any coastal development permit by the approving authority. Among other findings, this list requires a finding that the proposed development is in conformity with the certified LCP. Certified IP section 20.532.100 also includes a list of supplemental findings that are required for CDPs in certain circumstances (e.g., development in environmentally sensitive habitat areas, development on resource lands, development that converts agricultural lands, etc.). Because these sections apply to any coastal development permit approval, they should apply to ministerial CDPs for ADUs. This is consistent with Government Code section 65852.2(l), which states that nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the local government shall not be required to hold public hearings.

As proposed, the ministerial CDP provisions could be misinterpreted to mean that the rest of the LCP (beyond the checklist coastal resource standards in proposed section 20.458.045) do not apply to ministerially approved ADU, and thus are inadequate to carry out the certified LUP. To address this issue, **Suggested Modification 2** adds a sentence to proposed IP section 20.532.015(B) stating that approval of a ministerial CDP requires findings of consistency with the entirety of the ADU IP chapter as well as the required and supplemental findings in certified sections 20.532.095 and 20.532.100 as applicable. This friendly modification clarifies that ministerially approved ADUs must be consistent with all applicable policies of the LCP and not just with the proposed “objective” ADU checklist standards. As a result, the proposed IP amendment as modified is consistent with and adequate to carry out the certified LCP.

Consistency with State ADU Law Prohibition on Local Public Hearing

Among other requirements, Government Code Section 65852.2(a) prohibits local government from holding a public hearing on permit applications for ADUs and JADUs. Although Section 65852.2(a) states that the section shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, an exception is made regarding the prohibition on local public hearings on applications for ADUs and JADUs. Local public hearings are not required for CDP applications for ADUs and JADUs.

The proposed IP amendment would preclude public hearings for ministerial coastal CDP applications for ADUs and JADUs, but would not preclude public hearings for administrative or standard CDP applications for ADUs and JADUs, inconsistent with Section 65852.2(a). Therefore, Suggested Modification 2 modifies the IP amendment to preclude public hearing requirements for all CDP applications the County process for ADUs and JADUs. The County and Commission staffs have collaborated on developing

the suggested modification language contained in Suggested Modification 2 that would make minor changes to the IP amendment to incorporate the prohibition on local public hearings for all CDP applications for ADUs and JADUs. As modified, the proposed IP amendment is consistent with the prohibition of Government Code Section 65852.2(a) against local public hearings on CDP applications for ADUs and JADUs, and is consistent with and adequate to carry out the certified LUP.

D. California Environmental Quality Act (CEQA)

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a LCP.⁴⁵ The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The City's LCP amendment consists of both LUP and IP amendments. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment as originally submitted does not meet the requirements of or conform with the Chapter 3 policies of the Coastal Act, and the IP amendment does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the LUP and IP amendments into full conformance with the Coastal Act and LUP, respectively. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed LCP amendment, as well as potential alternatives to the proposed amendment, including the no project alternative.

As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation

⁴⁵ In addition, pursuant to CEQA Guidelines section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code" is statutorily exempt from CEQA, based on Public Resources Code section 21080.17.

measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

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**LCP-1-MEN-20-0021-1
(MENDOCINO COUNTY ADU REGULATIONS)**

SEPTEMBER 9, 2021

APPENDICES

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APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

LCP Amendment Application No. LCP-1-MEN-20-0021-1 and associated file documents.

Mendocino County Certified Local Coastal Program and adopted findings.

Caltrans, District 1. (2016). Transportation Concept Report – State Route 1.

Mendocino County. (2016, January 1, amended in 2017 and 2018). Policies and procedures for agricultural preserves and Williamson Act contracts.

WTrans. (2008). State Route 1 corridor study update.

APPENDIX B:

LUP AMENDMENT SUGGESTED MODIFICATIONS

Language of the currently certified LUP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

Suggested modification additions and deletions are shown in **bold, double-underlined text** and **~~bold, double-strike-out text~~**, respectively.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] as follows:

3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. **Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs)** may also be permitted consistent with **~~California Government Code Section 65852.2 and with~~** standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment.** Determination of service capacity shall be made prior to the issuance of a coastal development permit.

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.**

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.** Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

APPENDIX C:

IP AMENDMENT SUGGESTED MODIFICATIONS

Relevant excerpts of the County's IP are included below to show the context of the County's proposed changes to the IP in concert with the Commission staff's suggested modifications.

Language of the currently certified IP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

Suggested modification additions and deletions are shown in red, bold, double-underlined text and ~~red, bold, double-strike-out text~~, respectively.

The suggested modifications include "friendly modifications" requested by the County after submittal of the LCP application to make minor corrections, provide clarification and address recent changes in State ADU laws.

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).
- (GH) "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 accessory dwelling unit ADU as defined in Section 20.308.020(G), or a JADU as defined in Section 20.308.065(A).~~
- (HI) Accessory Structure. See Accessory Building.
- (IJ) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (JK) "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.
- (KL) "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.
- (LM) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (MN) "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.
- (NO) "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.
- (OP) "Animal Raising." See Light Agriculture.
- (PQ) "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.
- (QR) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (RS) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.

- (~~ST~~) "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.
- (~~TU~~) "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.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII 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.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~XY~~) "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 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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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 ~~accessory dwelling unit~~ 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 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 ~~junior accessory dwelling unit JADU~~ that includes the following:
- ~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~
- ~~(12) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~
- ~~(23) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit JADU.~~
- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "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.
- (DE) "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.
- (EF) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "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.
- (GH) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.

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

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 ~~a legally-authorized an existing or proposed~~ single-family dwelling. A ~~junior accessory dwelling unit~~ 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 ~~structure single-family dwelling~~. See Chapter 20.458 (Accessory Dwelling Units).
- (AB) "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 20.308.075 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.075 - Definitions (L).

~~(A4)~~ "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.

~~(B2)~~ Lateral Access. See Access, Lateral.

~~(C)~~ "Legally Authorized Residential Structure" is a dwelling unit, accessory living unit or garage that has either 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)).

~~(D3)~~ "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.

~~(E4)~~ "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.

~~(F5)~~ Living Unit, Accessory. See Accessory Living Unit.

~~(G6)~~ "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.

~~(H7)~~ "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.

~~(I8)~~ Lodging house. See Hotel.

~~(J9)~~ "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.

~~(K10)~~ "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.

~~(L11)~~ "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.

~~(M12)~~ "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.

~~(N13)~~ "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

~~(O14)~~ "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

~~(P15)~~ "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

~~(Q16)~~ "Lot, Interior" means a lot other than a corner lot.

~~(R17)~~ "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.

~~(S18)~~ "Lot Line" means any property line bounding a lot.

~~(119)~~ "Lot Line, Exterior" means a property line abutting a public or private road or street.

(~~220~~) "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.

(~~321~~) "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.

(~~422~~) "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

(~~523~~) "Lot Line, Street" means any lot line abutting on a street.

(~~624~~) "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.

(~~T25~~) Lot Size. See Lot Area.

(~~U26~~) "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

(~~V27~~) "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 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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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.
~~Accessory dwelling units ADUs and junior accessory dwelling units 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). ~~Accessory dwelling units ADUs and junior accessory dwelling units 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 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 ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for each legal parcel. ~~An accessory~~

~~dwelling-unit ADU~~ and/or a ~~junior accessory dwelling-unit 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 in an ~~accessory dwelling unit ADU~~ or a ~~junior accessory dwelling-unit 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 or 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.

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

Chapter 20.458 - ~~SECOND RESIDENTIAL~~ ACCESSORY DWELLING UNITS

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 second residential ~~accessory dwelling units 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 es specific requirements for the regulation of ~~accessory dwelling units ADUs and JADUs~~ with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ~~accessory dwelling units 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 ~~accessory dwelling units 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 20.458.010 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.010 - Prohibition.~~

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.~~

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

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

Any change to the cap on the number of ~~accessory dwelling units 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) ~~accessory dwelling units ADUs~~ shall ~~may~~ be permitted. ~~JADUs are exempted from this cap.~~ When this number has been reached, a review shall be conducted to determine if ~~accessory dwelling units ADUs~~ are meeting the intent of providing additional affordable housing and whether additional ~~accessory dwelling units ADUs~~ can be accommodated. Any change to the maximum number of ~~accessory dwelling units 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 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.015 – Findings.~~

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

~~The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.~~

Section 20.458.015 - Permit.

~~Accessory dwelling units ADUs or junior accessory dwelling units JADUs may be permitted in any zone that allows residential uses as a permitted or conditional use. Accessory dwelling units ADUs or junior accessory dwelling units 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) or (E).~~

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

Sec. 20.458.020 – Gualala Town Plan Second Residential Units.

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- ~~(A) **Permit requirement.** A standard Coastal Development Permit shall be required for all second residential units.~~
- ~~(B) **Number of Second Residential Units.** Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been~~

~~reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~

~~(C) **Permitted locations for Second Residential Units.**~~

- ~~(1) Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
- ~~(2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
- ~~(3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~
- ~~(4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~

~~(D) **Specific Standards for Second Residential Units.**~~

- ~~(1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
- ~~(2) On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second story to a detached garage.~~
- ~~(3) Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- ~~(4) Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- ~~(5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- ~~(6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- ~~(7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of~~

Environmental Health, shall be available to serve the second residential unit.

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

~~Accessory dwelling units (ADUs) and junior accessory dwelling units (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 ~~or for which a building permit has been issued for the 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, detached bedroom, guest cottage,~~ 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 any dwelling for transient habitation as a vacation home rental or by transient guests~~ 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 ~~the pertinent restrictions and limitations for the ADU and/or JADU~~ (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, and which shall run with the land, and be binding upon any future owners, heirs, or assigns.

- ~~(3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.~~

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, or if there currently exists more than one guest cottage 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.

~~(DB)~~ ADUs shall conform to height, setback, ~~lot coverage~~, 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 ~~garage 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.~~

~~(EC)~~ 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.~~

~~(3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.~~

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

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) ~~A-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, ~~and interior access to the remainder of the single-family dwelling shall be maintained.~~
- (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.

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.
- ~~(D) ADUs are subject to the following floor area limitations:~~
 - ~~(1) For a detached ADU, total floor space may not exceed 960 square feet.~~
 - ~~(2) For an attached ADU, total floor space may not exceed 500 square feet.~~
- ~~(E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square foot.~~

~~(F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. 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 the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.~~

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, in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (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, in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (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.

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) An ADUs and JADUs may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within an existing 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 this these requirements may be authorized through the administrative or standard coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) An ADUs and JADUs may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within an-existing 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 this these requirements may be authorized through the standard 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 not be permanently and entirely blocked from view visible 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 the standard 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 ~~or standard~~ 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 ~~located within 150 setback no greater than 100~~ feet ~~of from the~~ existing ~~or proposed~~ legally-authorized ~~structures~~ ~~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 ~~only not~~ be located on ~~non-prime soils~~ 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 ~~this~~ ~~these~~ requirements may be authorized through the administrative ~~or standard~~ 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 ~~timber~~ ~~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 ~~this~~ ~~these~~ requirements may be authorized through the administrative ~~or standard~~ 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 **Floodplain ("FP") Combining District**, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District **unless a report, prepared by** ~~An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where~~ a licensed engineer can demonstrate that the proposed development is consistent with the standards established in **Chapter 20.492, Chapter 20.416, and Chapter 20.432, respectively.**

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

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

Section 20.458.020050 - 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 **principal 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.

~~**(E) When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the**~~

~~same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.~~

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) ~~Accessory dwelling unit ADU:~~ one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) ~~Junior accessory dwelling unit JADU:~~ no parking required. See Chapter 20.458 (Accessory Dwelling Units).

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 Permit 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 ~~accessory dwelling units~~ **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.

(BC) 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.

(CD) 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.

(DE) 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 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) ~~Junior accessory dwellings units located entirely within an existing legally authorized single family residence which are consistent with the requirements of Chapter 20.458. ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.~~

~~Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.~~

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

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

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, ~~W~~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 application shall be deemed to have been approved.~~ 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 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) **~~Approval~~Action.** The Coastal Permit Administrator ~~may~~ **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-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 approve 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 approved acted on;**
- (56) 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;
- (67)** A brief description of the general procedure concerning the conduct of **hearing and** 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;
- (78)** 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.

A new Section 20.536.~~004~~010 is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.~~004~~010- Coastal Development Ministerial Permits.

- (A) Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for ~~accessory dwelling units ADUs~~ that meet the requirements specified in Chapter 20.458.
- (B) ~~Approval~~Action.** The Director or his/her designee ~~may approve~~ **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 ~~approve~~ **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 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.~~010~~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. ~~404015~~(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 20. 536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.~~020025~~ - 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.~~004010~~.
- (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.~~004010~~, then the application shall thereafter be treated in the manner prescribed by Section 20.536.~~020025~~(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(B) 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.~~020025~~(C)(2) dealing with amendments to permits other than administrative permits.

(C) 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.~~040015~~.

Section 20.536.025 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~025030~~ - Renewal.

Section 20.536.030 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~030035~~ - Revocation or Modification by the County.

Section 20.536.035 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~035040~~ - Assignment of Permits.

Section 20.536.040 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~040045~~ - Reapplication.

Section 20.536.045 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~045050~~ - Nuisance.

Section 20.536.050 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~050~~055 - Notice to Assessor.

Section 20.536.055 of the Mendocino County Code is hereby renumbered as follows:

Section 20.536.~~055~~060 - Permits for Approval of Emergency Work.

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 ~~ministerial~~ coastal development ~~ministerial~~ permits for ~~accessory dwelling units~~ 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.~~040~~015.

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.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



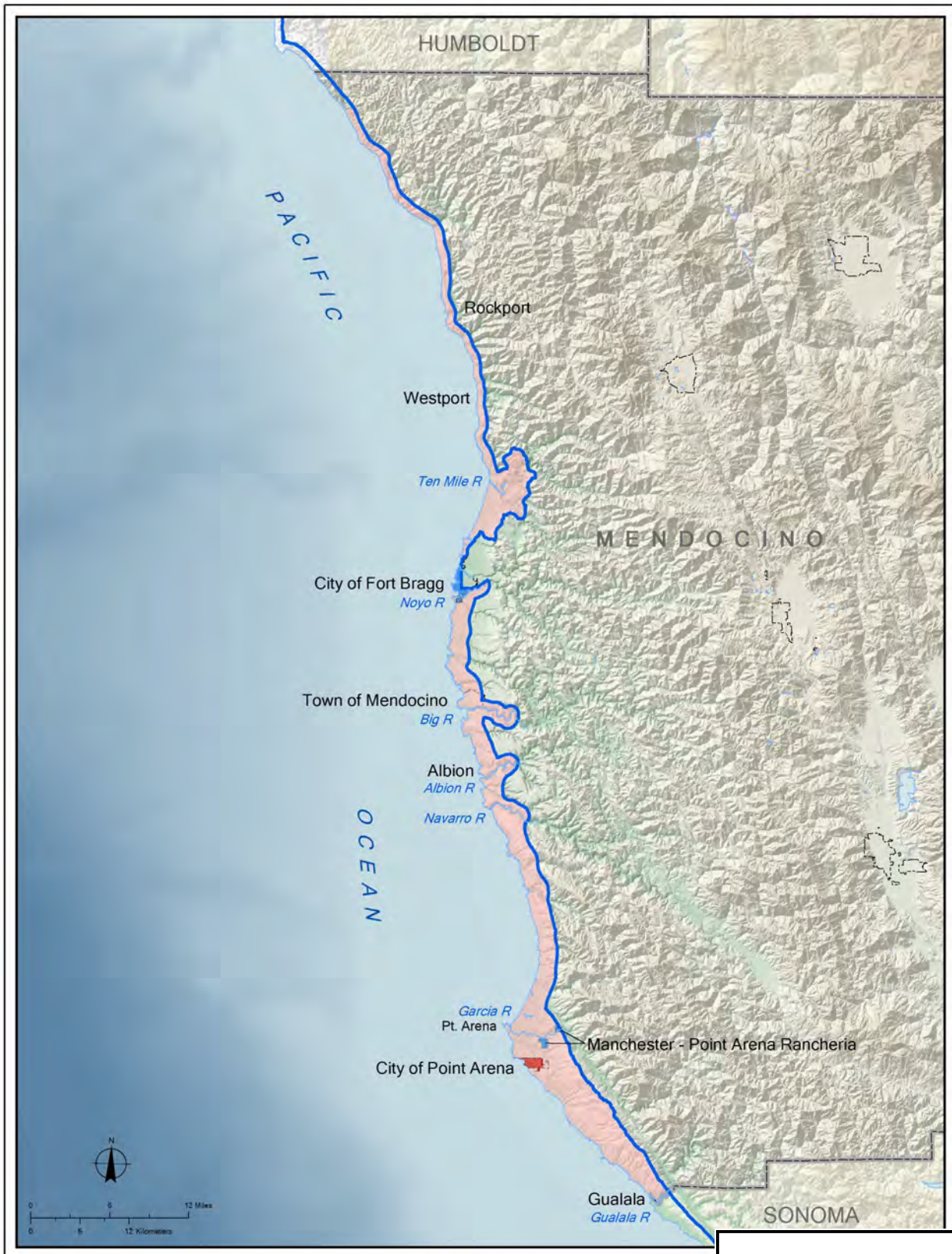
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LCP-1-MEN-20-0021-1 (ADUs)

SEPTEMBER 9, 2021

EXHIBITS

- Exhibit 1 – Regional Location Map**
- Exhibit 2 – Highway 1 Traffic Volumes**
- Exhibit 3 – Zoning Districts Proposed for ADUs**
- Exhibit 4 – Resource Lands**
- Exhibit 5 – Prime Farmland**
- Exhibit 6 – Groundwater Resources**
- Exhibit 7 – Coastal Hazard Areas**
- Exhibit 8 – Highly Scenic Areas**
- Exhibit 9 – Resolution of Transmittal**

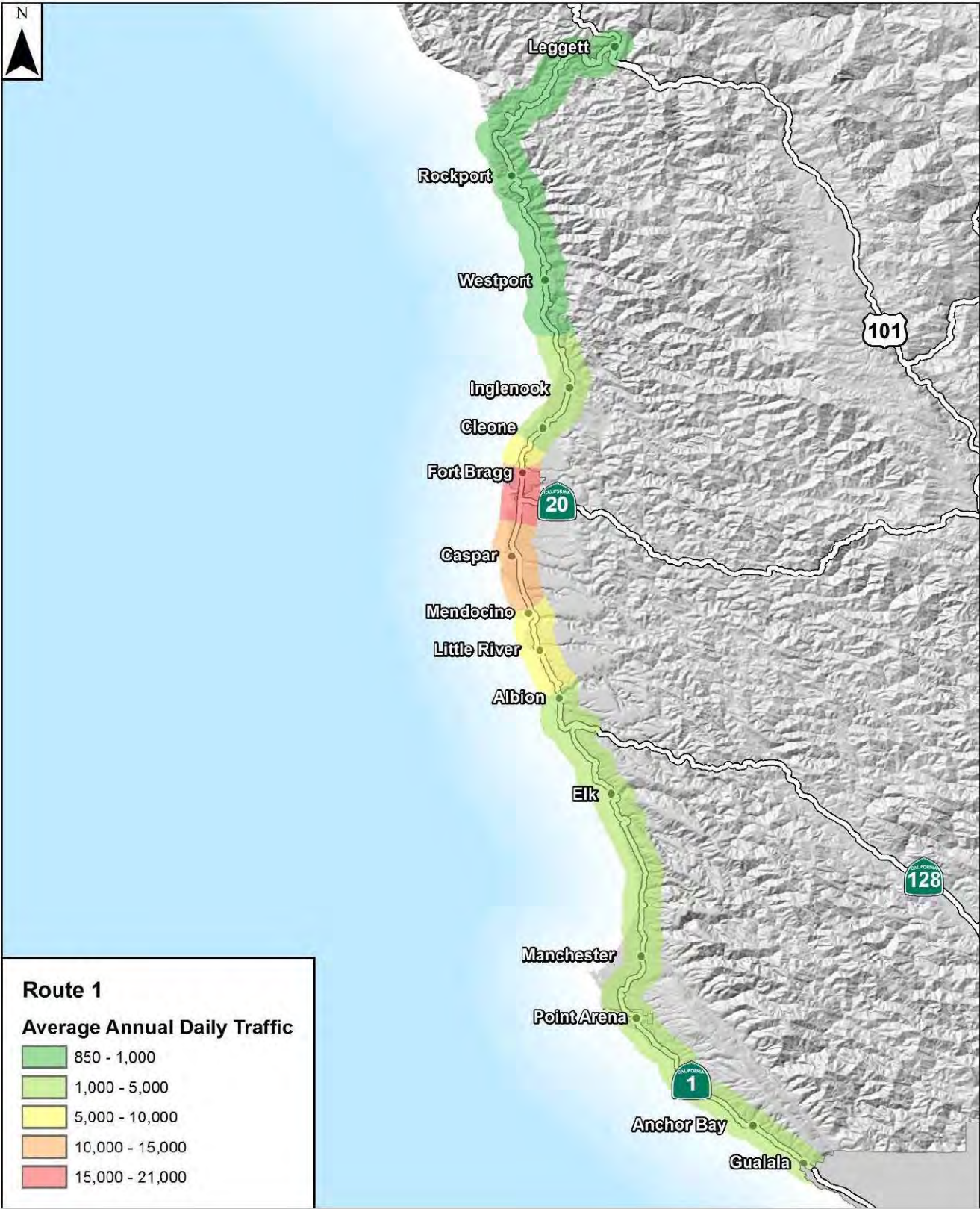


Mendocino County's coastal zone

EXHIBIT NO. 1

LCPA 1-MEN-20-0021-1 (ADUs)
Regional Location Map (1 of 1)

Route 1 Traffic Volume Map



Map from Caltrans March 2016 State Route 1 District 1 Transportation Concept Report

³⁰ Volumes from Caltrans Traffic Census Program <http://traffic-counts.dot.ca.gov/>

EXHIBIT NO. 2

LCPA 1-MEN-20-0021-1 (ADUs)
Highway 1 Traffic Volumes (1 of 1)

Zoning Districts where ADUs are allowed

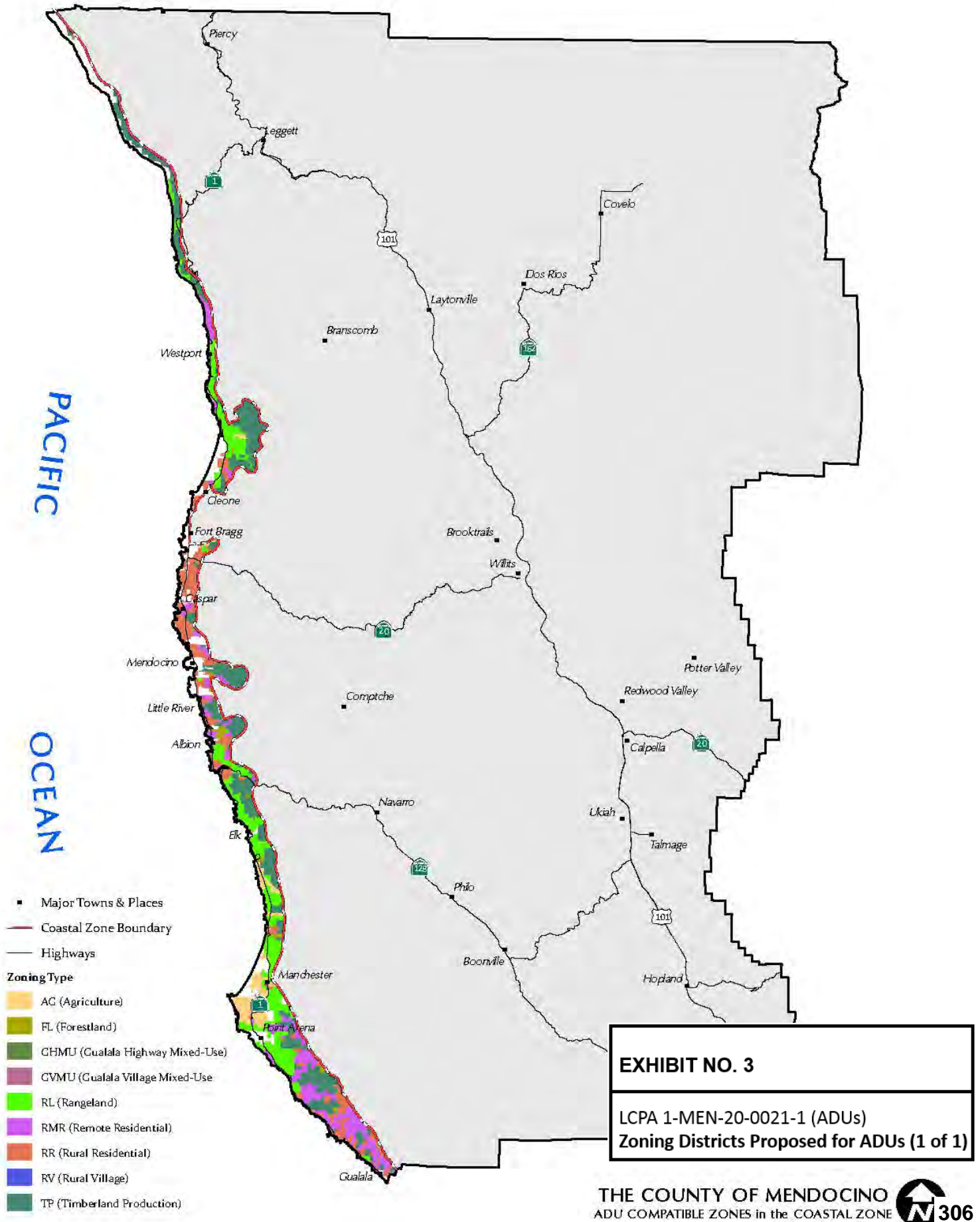




EXHIBIT NO. 4

LCPA 1-MEN-20-0021-1 (ADUs)
Resource Lands (1 of 1)

Prime Farmland in the coastal zone of unincorporated Mendocino County

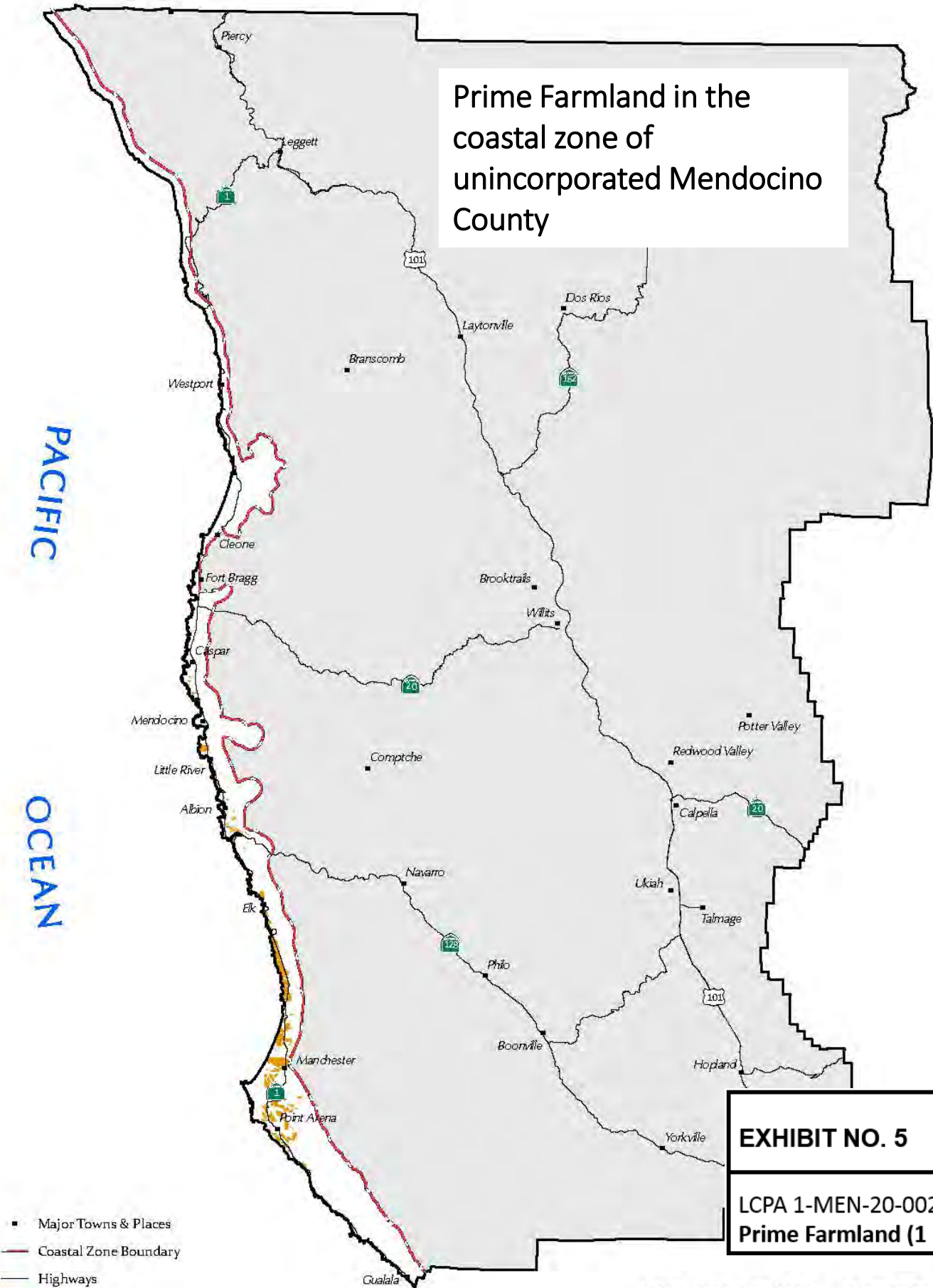
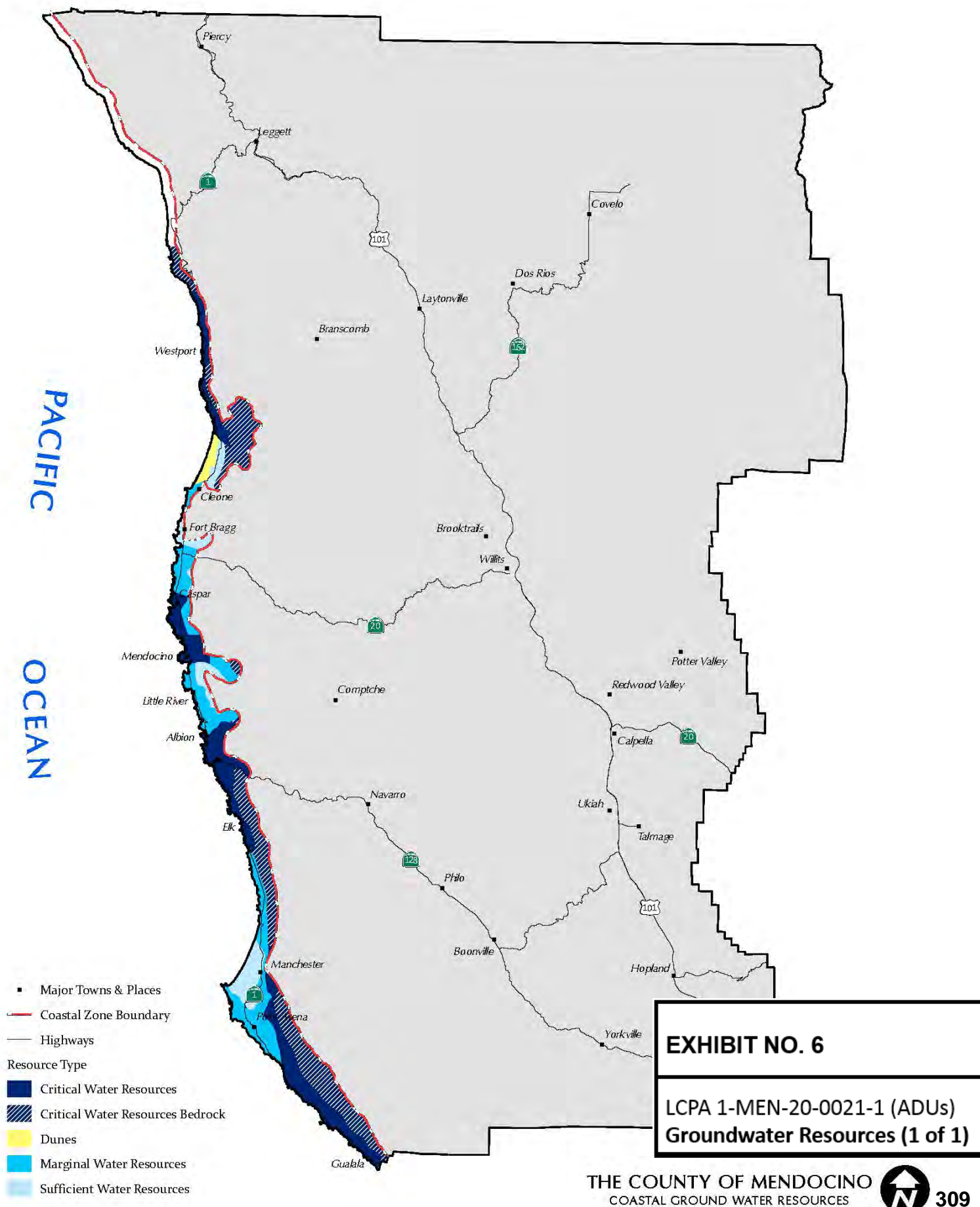


EXHIBIT NO. 5

LCPA 1-MEN-20-0021-1 (ADUs)
Prime Farmland (1 of 1)

"Prime Agricultural Land" as indicated on the LCP Land Capabilities and Natural Hazards maps as prepared by Blayney-Dyett, 1979.

Coastal groundwater resources



Mapped hazards in the coastal zone of unincorporated Mendocino County

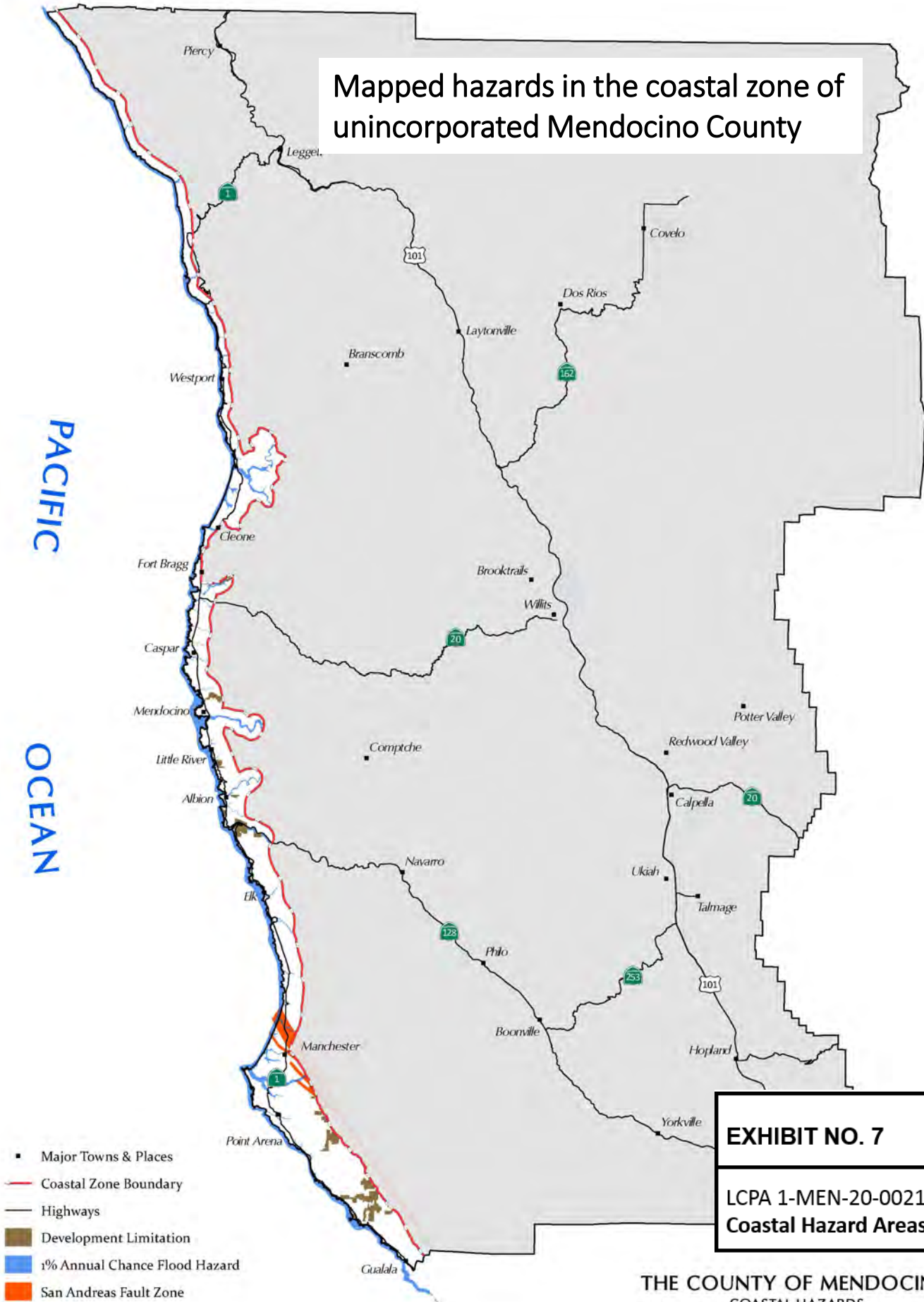
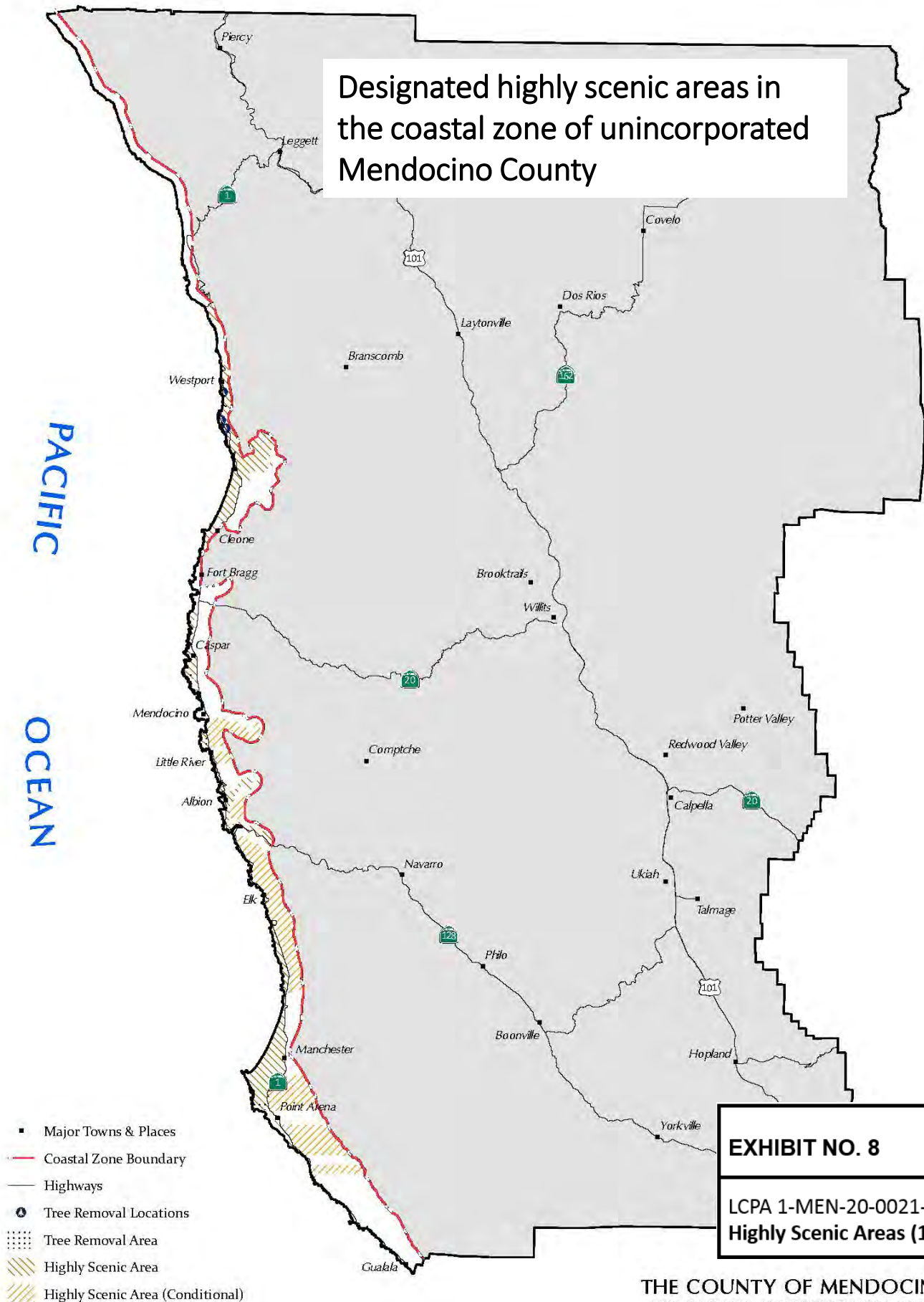


EXHIBIT NO. 7

LCPA 1-MEN-20-0021-1 (ADUs)
Coastal Hazard Areas (1 of 1)

Designated highly scenic areas in the coastal zone of unincorporated Mendocino County



- Major Towns & Places
- Coastal Zone Boundary
- Highways
- Tree Removal Locations
- Tree Removal Area
- Highly Scenic Area
- Highly Scenic Area (Conditional)

EXHIBIT NO. 8

LCPA 1-MEN-20-0021-1 (ADUs)
Highly Scenic Areas (1 of 1)



RESOLUTION NO. 19-378

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF AN AMENDMENT OF THE COASTAL ELEMENT OF THE MENDOCINO COUNTY GENERAL PLAN (GP_2018-0003) AND AN AMENDMENT OF THE MENDOCINO COUNTY COASTAL ZONING CODE (TITLE 20-DIVISION II OF THE MENDOCINO COUNTY CODE)(OA_2018-0009) TO ESTABLISH REGULATIONS FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF MENDOCINO COUNTY

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program (LCP) to address the development of accessory dwelling units and junior accessory dwelling units within the coastal zone of Mendocino County; and

WHEREAS, the LCP amendment requires modifications to Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan and to Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 of the Coastal Zoning Code (Mendocino County Code, Title 20, Division II) (the "Project"); and

WHEREAS, the Project consists of amendments to the Coastal Element of the Mendocino County General Plan which are attached to this Resolution as Exhibit A and incorporated herein by reference, and amendments to the Mendocino County Code, Title 20, Division II, which are attached to this resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, pursuant to Government Code Sections 65354 and 65855, the Mendocino County Planning Commission held a public hearing on July 18, 2019, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, voted to recommend that the Board of Supervisors authorize submittal of the LCP amendment to establish regulations for accessory dwelling units; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement the provisions of Gov't. Code Sections 65852.1 or 65852.2 regulating the construction of dwelling units and accessory dwelling units; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.), 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; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on November 5, 2019 on the Project, at which time the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, the County of Mendocino provided public notice in a newspaper of general circulation on the amendment to the Local Coastal Program; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

and finds that it accurately sets forth the intentions of the Board regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors approves, for Coastal Act purposes, the amendments to the Coastal Element of the Mendocino County General Plan attached to this Resolution as Exhibit A and the draft Ordinance amendments to Title 20, Division II of Mendocino County Code attached to this resolution as Exhibit B and incorporated herein by this reference.

BE IT FURTHER RESOLVED, based upon the evidence in the record, the Board of Supervisors makes the following General Plan consistency findings:

1. The 2014 Housing Element of the General Plan contains the following policies related to 'Accessory Residential/Second Residential Units' - Policy 3.1: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents; Policy 3.2: Promote the development of second units.
2. The proposed Project is consistent with the 2009 Mendocino County General Plan, as well as the 2014 Housing Element.
3. The proposed Project aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the LCP is intended to be carried out in a manner fully in conformity with the Coastal Act; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21087.17; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21080.9, 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; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the Department of Planning and Building Services to submit the LCP amendment included as Exhibits A and B of this resolution to the California Coastal Commission for certification; and

BE IT FURTHER RESOLVED, that the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Mendocino County Board of Supervisors.

BE IT FURTHER RESOLVED, the Board of Supervisors designates the Clerk of the Board of Supervisors as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Board of Supervisors' decision herein is based. These documents may be found at the Office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

EXHIBIT NO. 9

**LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal**

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Williams, and carried this 5th day of November, 2019, by the following vote:

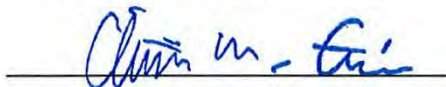
AYES: Supervisors Brown, Haschak, Gjerde, and Williams
NOES: None
ABSENT: Supervisor McCowen

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
Acting County Counsel




CARRE BROWN, 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

EXHIBIT NO. 9

LCPA 1-MEN-20-0021-1 (ADUs)
Resolution of Transmittal

EXHIBIT A - COASTAL ELEMENT AMENDMENT (GP_2018-0003)

GENERAL PLAN AMENDMENT #2018-0003 - MENDOCINO COUNTY COASTAL ELEMENT

CHAPTER 3.2 - AGRICULTURE. Amend Policy 3.2-1 as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

CHAPTER 3.3 - FORESTRY AND SOILS RESOURCES. Amend Policy 3.3-5 as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

CHAPTER 3.9 - LOCATING AND PLANNING NEW DEVELOPMENT. Amend Policy 3.9-1 as follows:

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:

- each community's desired amount and rate of growth.
- providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units may also be permitted consistent with California Government Code Section 65852.2 and with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Determination of service capacity shall be made prior to the issuance of a coastal development permit.

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EXHIBIT B - COASTAL ZONING CODE AMENDMENT (OA_2018-0009)

ORDINANCE NO. _____

DRAFT ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 OF THE MENDOCINO COUNTY CODE AMENDING DEFINITIONS AND REQUIREMENTS RELATED TO ACCESSORY DWELLING UNITS

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 as provided in Chapter 20.456.
- (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 single-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), a guest cottage as defined in Section 20.308.050(I), or an accessory dwelling unit as defined in Section 20.308.020(G).
- (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

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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 freshwater 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 EII 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.

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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. Accessory dwelling units and junior accessory dwelling units 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 accessory dwelling unit is not considered to be a dwelling group.

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- (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 junior accessory dwelling unit that includes the following:
- (1) A sink with a maximum waste line diameter of 1.5 inches.
 - (2) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
 - (3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (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.

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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 a legally authorized single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen and may include separate sanitation facilities or share sanitation facilities with the existing structure. See Chapter 20.458 (Accessory Dwelling Units).
- (AB) "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 20.316.010 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. Accessory dwelling units and junior accessory dwelling units 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. Accessory dwelling units and junior accessory dwelling units 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). Accessory dwelling units and junior accessory dwelling units 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.

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Section 6. 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 accessory dwelling unit and/or a junior accessory dwelling unit 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 in an accessory dwelling unit/or a junior accessory dwelling unit 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 or home use.

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

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- (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 7.

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 8.

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

Section 9. 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 accessory dwelling units within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Junior accessory dwelling units are exempted from this cap.

Any change to the cap on the number of accessory dwelling units 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 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) accessory dwelling units shall be permitted. When this number has been reached, a review shall be conducted to determine if accessory dwelling units are meeting the intent of providing additional affordable housing and whether additional accessory dwelling units can be accommodated. Any change to the maximum number of accessory dwelling units in the Gualala Town Plan area shall require a Local Coastal Program amendment.

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Section 10. Section 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Section 20.458.015 - Permit.

Accessory dwelling units or junior accessory dwelling units may be permitted in any zone that allows residential uses. Accessory dwelling units or junior accessory dwelling units 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) or (E).

Section 11. 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.

Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) shall conform to the following standards:

- (A) An ADU or JADU shall only be permitted on a parcel that either contains an existing single-family dwelling or for which a building permit has been issued for the single-family dwelling.
- (B) An ADU may be attached to the single-family dwelling or located in a detached, separate structure.
- (C) An existing legally authorized detached bedroom, guest cottage, 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.
- (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 use of an ADU or JADU as a vacation home rental or by transient guests 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 the pertinent restrictions and limitations for the ADU and/or

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JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

- (3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.

Section 12. 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, 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, or if there currently exists more than one guest cottage or detached bedroom on the parcel.
- (B) ADUs shall conform to height, setback, lot coverage, 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 exception:
 - (1) An existing legally authorized garage which does not meet setback requirements may be 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.
- (C) 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 single-family dwelling, whichever is less.
 - (3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.
- (D) See Section 20.458.035 for additional and more restrictive standards for ADUs on properties within the Gualala Town Plan area.

Section 13. 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) 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

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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, and interior access to the remainder of the single-family dwelling shall be maintained.
- (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, 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 14. 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.
- (D) ADUs are subject to the following floor area limitations:
 - (1) For a detached ADU, total floor space may not exceed 960 square feet.
 - (2) For an attached ADU, total floor space may not exceed 500 square feet.
- (E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square feet.
- (F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. 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 the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

Section 15. A new Section 20.458.040 is added to the Mendocino County Code as follows:

Section 20.458.040 - Public Health and Safety Requirements.

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- (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 in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."
- (C) The Division of Environmental Health shall review and approve the availability and adequacy of the sewage disposal system for all ADUs in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."
- (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 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 16. 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:

- (A) An ADU may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within an existing legally authorized structure. 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 this requirement may be authorized through the administrative or standard coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) An ADU may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within an existing legally authorized structure. An exception to this requirement may be authorized through the standard 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 not be visible from 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 the standard coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.504.
- (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 or standard coastal development permit process, as applicable, in circumstances where the grading is consistent with the standards established in Chapter 20.492.

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- (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 located within 150 feet of existing legally authorized structures.
 - (2) On parcels zoned AG or RL, an ADU may only be located on non-prime soils. An exception to this requirement may be authorized through the administrative or standard 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 timber removal is necessary. An exception to this requirement may be authorized through the administrative or standard 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 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 Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District. An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where a licensed engineer can demonstrate that the proposed development is consistent with the standards established in Chapter 20.492, Chapter 20.416, and Chapter 20.432, respectively.

Section 17. 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 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.

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- (3) Located entirely within the principal 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.
- (E) When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.

Section 18. 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) Accessory dwelling unit: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) Junior accessory dwelling unit: no parking required. See Chapter 20.458 (Accessory Dwelling Units).

Section 19. 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 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.
- (1) Any single-family residence that is a principal permitted use within the zoning district in which the development site is located;

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- (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.
- (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 accessory dwelling units 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. 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 20. 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;

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- (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) Junior accessory dwellings units located entirely within an existing legally authorized single-family residence which are consistent with the requirements of Chapter 20.458.

Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.

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 21. 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 22. Section 20.532.055 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.055- Time Periods.

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

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period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department. If the Director, Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D).

Section 23. Section 20.536.001 is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.001- Coastal Development Ministerial Permits.

- (A) **Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for accessory dwelling units that meet the requirements specified in Chapter 20.458.
- (B) **Approval.** The Director or his/her designee may approve 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 approve 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.

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- (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.

Section 24. Section 20.536.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.010 - 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;

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- (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 20.536.101(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 25. Section 20.536.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.020 - 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

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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 20.536.001.
- (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 20.536.001, then the application shall thereafter be treated in the manner prescribed by Section 20.536.020(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 20.536.020(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 20.536.010.

Section 26. Section 20.536.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.544.010 - Administrative Appeals.

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- (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 ministerial coastal development permits for accessory dwelling units. 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 20.536.010.

Section 27. CEQA. This ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17 which exempts adoption of an ordinance by a city or county to implement the provisions of Government Codes Sections 65852.1 or 65852.2.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2019, by the following roll call vote:

AYES:
NOES:
ABSENT:

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,
Acting County Counsel

CARRE BROWN, 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

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CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

**LCP-1-MEN-20-0021-1
(MENDOCINO COUNTY ADU REGULATIONS)**

SEPTEMBER 9, 2021

CORRESPONDENCE



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

IGNACIO "NASH" GONZALEZ, AICP INTERIM DIRECTOR
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August 18, 2021

The Honorable Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 95105

RE: County of Mendocino Local Coastal Program Amendment No. LCP-1-MEN-20-0021-1 (Accessory Dwelling Units)

Dear Chair Padilla and Commissioners,

On behalf of the Mendocino County Department of Planning & Building Services, I am writing to express support for LCP Amendment No. LCP-1-MEN-20-0021-1 with the suggested modifications as presented by Coastal Commission staff.

I would also like to share my sincere appreciation for the work of your staff, particularly North Coast District Manager Bob Merrill and former Supervising Analyst Cristin Kenyon, as it relates to Mendocino County's LCP Amendment for Accessory Dwelling Units. Mr. Merrill and Ms. Kenyon worked closely with Mendocino County staff and consultants during the initial drafting of the County's LCP Amendment to help us strike a balance between the necessary protection of coastal resources and the urgent need for more affordable housing opportunities in the coastal zone of Mendocino County.

Following the County's formal submittal of the LCP Amendment application, the County requested a number of "friendly modifications" to address new changes in State legislation and to enhance the clarity of the LCP Amendment. Coastal Commission staff were receptive to these changes and, in crafting their own "suggested modifications," they engaged in a very productive and collaborative dialogue with County representatives.

On June 9, 2021, the Mendocino County Board of Supervisors reviewed a draft of the suggested modifications to the LCP Amendment and indicated that they would support the changes with one requested revision has been addressed in the final version. I reviewed the few new suggested modifications that arose after the Board's action and I believe they will streamline the permitting process for Accessory Dwelling Units and are consistent with the Board's objectives for the LCP Amendment.

I encourage the Commission to adopt LCP Amendment No. LCP-1-MEN-20-0021-1, as recommended by your staff. Thank you.

Sincerely,

Ignacio "Nash" Gonzalez, Interim Director
Mendocino County Department of Planning & Building Services

cc: Bob Merrill, North Coast District Director
John Ainsworth, Executive Director

From: [Kathy Borst](#)
To: [NorthCoast@Coastal](#)
Cc: [Robinson, Aurora@Coastal](#); [Merrill, Bob@Coastal](#); [Targ, Sylvia@Coastal](#)
Subject: Mendocino ARU ordinance
Date: Thursday, August 19, 2021 10:32:46 AM

Dear Commissioners and/ or Analysts,

We want to voice our support for the move the Coastal Commission made on the Mendocino County LCP Amendment No. LCP-1-MEN-20-0021-1. You removed the opportunity for owners to occupy their own ADUs while renting out their homes as short term rentals. We applaud this change. Short term rentals are partially responsible for the housing crisis in Mendocino county.

In a seven-unit neighborhood in Elk where we own a rental home, one set of owners would keep the ADU for their own vacation spot and rent out the house, so there would be no supervision of the guests. Unsupervised STR guests, in our experience, may treat a neighborhood poorly, turning it into more of a campground/party atmosphere than a place where people live and work and need to sleep at night.

We hope you hold firm on this issue and come to see STRs as something to limit to certain types of neighborhoods in the coastal zone - larger ones? Ones where there are no neighbors to disrupt? Places where the owner is fully in residence to modulate behavior? - where they can be less disruptive than what we have experienced.

Thank you for your work.

Sincerely,

Kathy Borst and Bill Cook
707-894-3290
Elkhornkate@icloud.com

Sent from my iPad

RECEIVED

AUG 06 2021

August 2, 2021 CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

To: California Coastal Commission

Re: **LCP Amendment # LCP-1-MEN-20-0021-1**, Ordinance submitted by Mendocino County Board of Supervisors.

Attn: Aurora Robinson - Please route this to the correct analyst, if applicable.

It recently came to my attention that the language of LCP-1-MEN-20-0021-1 covering the permitting of accessory dwelling units (ADUs) in the Mendocino county coastal zone and the potential use of properties in the coastal zone as short term rentals (STRs) - often using organizations such as Air B&B, VRBO, VACASA and other companies to manage or rent them out - has been in flux due to special interest pressure. I support the original stated purpose of permitting the additional Mendocino county ADUs - increasing the availability of workforce housing for moderate income workers. Allowing the use of either the ADU or original home as an STR decreases the amount housing available for rent and undermines the reason for allowing ADUs to be built.

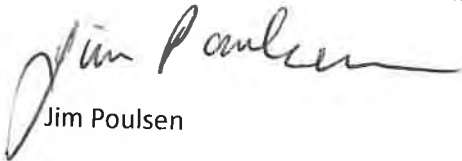
ADUs would be best suited to the parts of the county served by sewer and water systems. Adding ADUs to areas with smaller lots (< 0.5 -1 acre) that are on septic systems has much greater environmental, health and safety risks. Perhaps a "wet weather" percolation test could be implemented when a second living unit is added to a lot with a septic permit for a single family home.

The use of rural properties, with or without ADUs, as STRs is of much greater concern. We have observed STRs in our area (Elk CA) with occupancies of 10 or more people in a single family home. The vacation renters are often from cities with no exposure to protecting a septic system from overload or conserving scarce community water supplies while on vacation. A septic system designed for a single family home probably will not have the capacity for hotel use, especially during the wetter months.

During the early portion of the COVID-19 pandemic the renters were routinely in violation of Mendocino county travel restrictions, social distancing guidelines and masking requirements. Our overburdened public safety officials do not have the bandwidth to respond to minor to moderate issues resulting from STRs in rural areas such as fireworks, noise complaints or health and safety violations.

I urge the commission to maintain the purpose of the ADUs and the original structure on the lot for residential housing and not to allow the use of any such properties in the coastal zone as Air B&B style STRs.

Thank you for your attention to this matter,



Jim Poulsen

35950 Elk Meadow Road

Elk CA 95432

(Mailing address, PO Box 641 Bodega Bay CA 94923)

From: [Tigerlily](#)
To: NorthCoast@Coastal
Subject: LPC-1-MEN-20-0021-1
Date: Saturday, August 28, 2021 1:45:28 PM

I am writing to urge the Coastal Commission to approve accessory dwelling units on the Mendocino Coast.

We are in the midst of a housing crisis, where locals can no longer afford, or even find, places to live.

Investors are buying up homes that used to house locals and offering them instead as B&Bs. Homeowners who wish to add a second unit to house an extended family are instead punished by the Planning and Building Department, with fines, fees, and delays, if they can even secure a permit. We need to streamline the process for adding density, and also ensure that these units will be used for housing, not vacation rentals.

Nearly everyone on the coast has been impacted by this housing shortage. Young people are leaving the area because they cannot afford to pay the exorbitant rents that scarcity breeds. There is a secondary crisis that will come of this, with a shortage of workers and services as high rents force middle class folk out. Please make it possible to add second units to existing parcels.

Yours sincerely,
Lily Jones
44840 Larkin Road
Mendocino, CA 95460

From: bluetoothfairy18@gmail.com
To: NorthCoast@Coastal
Subject: affordable housing
Date: Saturday, August 28, 2021 3:39:32 PM

I wish to express my hope that the Coastal Commission and people planning for the future and the dire need for affordable housing, will consider allowing accessory dwelling units. I believe this will benefit seniors as well, as we age and need others nearby. (Seniors in general may have even fewer resources for affordable housing than the working young.) Clusters of such units help create community as well as minimizing impact to our coastal ecology.

Thank you for your kind attention,

Sharon Paltin, M.D.

Laytonville, CA

Sent from [Mail](#) for Windows

From: [Christina Vandusen](#)
To: NorthCoast@Coastal
Subject: Housing
Date: Saturday, August 28, 2021 4:25:00 PM

To whom it may concern,
Please do all you can to help with the dire housing needs.
Please stop Airbnb from buying up properties for vacation rentals, for one thing.
Also loosen up the codes for alternative dwelling.
Thank you
Christina Vandusen

From: [Nicole Patton](#)
To: NorthCoast@Coastal
Subject: Proposal for ADU
Date: Sunday, August 29, 2021 5:55:42 PM

Hello There,

I would like this comment to be shared in the upcoming meeting. My name is Nicole Patton and I have a son who attends 2nd grade at the Mendocino K-8. My home I rent in Mendocino, Ca is going up for sale soon and I will need to find a new place to live. I have been looking for a place to move to with hardly any opportunities to apply for. I am worried I will be forced out of the area due to no housing. Its imperative that planning allow for ADU's and support the process to make it as easy and affordable as possible. I am sure it will make a huge difference and allow the wonderful community members with less resources for buying a Mendocino home to stay in the area.

Thank You for your time,
Nicole

From: [Chris Skyhawk](#)
To: [NorthCoast@Coastal](#)
Subject: Affordable housing in coastal zone
Date: Saturday, August 28, 2021 7:59:39 PM

as a long-time resident of the mendocino coast i am asking that you do all in your power to help us create affordable housing, our community is literally collapsing, please moreADU's and less air Bn B's

thank you- Chris Skyhawk 520Cypress st. #7 fort bragg ca, 965437

hawkwork@mcn.org

From: [Wendy Babbe](#)
To: NorthCoast@Coastal
Subject: LCP Amendment No. LCP-1-MEN-20-0021-1 Accessory Dwelling Units
Date: Sunday, August 29, 2021 6:28:28 PM

August 29, 2021

California Coastal Commission:

The coast of Mendocino County is so short on housing that people often search for years before finding a dwelling that's available, if at all. This shortage not only causes rents to escalate, but also causes our local communities to suffer in many ways. Last year, Elk lost a full-time mechanic and fully-trained firefighter and his family because they were unable to find housing within our community. We have little to no contractors in our community because there's no rental housing available. This means all Elk residents pay more for plumbers, electricians, carpenters, etc. to drive to our community and work on our homes. We ranch, and can't find any ranch laborers because there is no housing for them. This means we can't reach our full potential financially because we are being constrained by the lack of housing.

We need more service people on the coast. Currently we have no appliance repair technicians on the coast at all. We wait months, not weeks for service techs to come over from Ukiah & Santa Rosa, again, increasing the long-haul traffic on our roads. A service call from those communities runs almost \$250 just for them to show up. Small communities cannot survive like this. While you may want the rural flavor to remain, what you are creating is a community of tourists and wealthy people who can afford new appliances when theirs break down. They can afford to pay the trades to drive an hour here and an hour back home. By restricting population densities to this degree, you are intentionally or unintentionally changing the makeup of our small communities in ways that we'll never be able to get back again.

Because we live in the Ag Zone, we are fully aware that the housing density in this area is ridiculously low. We understand that the county wants to keep the rural flavor of this area and wants to keep ag interests front & center, but this area in particular has many large ranches with just a single residence. The Highway 1 traffic in this area is predominantly building trades, service trades and deliveries. If we had more housing in the area, they wouldn't have to commute all the way from Fort Bragg and Gualala and our long-haul highway traffic could actually decrease.

Healthy, resilient, strong communities need your support. We have been thru so much in the last few years. Please, don't make it that much harder for us to recover. Let us build the housing we need so we can once again become the thriving communities the Mendocino Coast needs.

Thank you for your time and consideration,

Wendy Babbe

12451 S. Highway 1

Elk, CA 95432

From: [Annemarie](#)
To: [NorthCoast@Coastal](#)
Cc: [Robinson, Aurora@Coastal](#); [Merrill, Bob@Coastal](#); [Targ, Sylvia@Coastal.ca.gov](#)
Subject: public comment item 9a, Mendocino County LCP Amendment (ADU) 9-9-21
Date: Friday, September 03, 2021 10:22:25 AM
Attachments: [public comment item 9a, Mendocino County LCP Amendment \(ADU\) 9-9-21.pdf](#)

Hi,
Please post.
Thanks, Annemarie Weibel

Public Comments item 9a, 9-9-2021

Mendocino County LCP Amendment No. LCP-1-MEN-20-0021-1 Accessory Dwelling Units
Coastal Commission public hearing and action on request by Mendocino County to amend the County's certified Land Use Plan and Implementation Program to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with recent State legislation.
(RSM-A)

Dear Chair Padilla and Commissioners,

First of all I want to thank you, the Board of Supervisors, and the Mendocino County staff for all the work that has gone into this LCP Amendment so far. It is a start.

I agree that we have a severe lack of long-term rental housing in the County's coastal zone, a real crisis. People who have jobs can not afford the outrageous rental fees and can not find long term rentals. Many doctors, nurses, teachers, and many other essential workers have to turn down employment, move away, or travel long distances. Given the housing shortage, many employees on the coast are currently living in crowded and/or substandard rental units.

I do understand that the Mendocino Coast has development limitations, limited service capacity, water supply, sewage disposal, and traffic capacity.

LUP Policy 3.9-1 already prohibits houses from being developed if adequate access, water, and sewage disposal capacity does not exist, but does not specifically address the cumulative impacts of housing development on Highway 1 capacity. It needs to be addressed.

Your report states that there are currently 382 vacation home rentals within the County's coastal zone outside the Town of Mendocino (Mendocino County TOT data and GIS, April 2020). I believe there are many many more. They have mushroomed since Covid as people wanted to escape the city and locals could not work and were told to stay at home. The County probably does not add up all the individual Airbnb, VRBO, Vacasa, hipcamp, etc. that are everywhere. The City of Fort Bragg allowed 12 locations. In Albion I know of at least 10 (some are in the Coastal Zone). Tourists are walking around in our neighborhoods with their cameras taking photos of our gardens, trees and flowers.

I believe that the County is not getting the bed tax money from short-term rentals, but needs to maintain the roads, and infrastructure. If that is the case that needs to be changed.

Under the currently certified LCP, one single-family residence is permitted in the AG, RL, FL, and TP Districts and use of the residence as a vacation home rental is also permitted. It should not be in the amended LCP as we really need to have long-term rentals to address the immediate and critical need for affordable housing in the coastal zone.

The County needs to cap the number of vacation rentals allowed outside of the Mendocino Town Plan & Gualala Town Plan area immediately.

I support requesting owner occupancy for residences with JADUs. This also needs to happen for ADUs.

Please do not allow short-term rentals as it decreases the housing that is available for long-term rentals and undermines the reason for allowing ADUs to be built. Our overburdened public safety officials and code enforcement staff do not have the resources to respond to issues resulting from short-term rentals.

I am glad to read that prior to obtaining a building permit for an ADU or JADU, a recorded deed restriction would be required to include the prohibition on renting the unit for transient occupancy and other pertinent restrictions. What are the other pertinent restrictions?

I approve that as a result of scattered water and septic limitations, the Department of Environmental Health will determine the adequacy of water and septic capacity on a parcel-by-parcel basis. These studies are essential to protecting existing users and the groundwater resource.

It is good to know that Modification 2 broadens the proposed restriction on vacation rentals so that, on a property with an ADU and/or JADU, use of any dwelling as a vacation rental is prohibited. Also Modification 2 clarifies that ADUs are only permitted in areas where no major vegetation removal is required.

I support that based on 3.2-4 proposed projects shall be subject to a conditional use permit. Granting of the permit shall require affirmation findings to be made on each of the following standards. The project shall: • maximize protection of environmentally, sensitive habitats; • minimize construction of new roads and other facilities; • maintain views from beaches, public trails, roads and views from public viewing areas, or other recreational areas; • ensure adequacy of water, sewer and other services; • ensure preservation of the rural character of the site; and • maximize preservation of prime agricultural soils; • ensure existing compatibility by maintaining productivity of on site and adjacent agricultural lands.

Short-term rentals are partially responsible for the housing crisis in Mendocino County. Elderly, people with disabilities, large households, single parent households, agricultural workers, and homeless persons are especially effected by the lack of housing and the current rental prices. Full-time short term rentals should not be tolerated as they remove houses from the residential market.

To bring awareness to the housing crisis issue the Grand Jury in their 2020/2021 Report Need for Housing began investigating what is currently being done to improve the availability of housing in Mendocino County, as well as what is currently being done to improve the situation for homeless people. These reports unfortunately do not address the problems caused by short term rentals like Airbnb, VRBO, Vacasa, hipcamp, etc.)

<https://www.mendocinocounty.org/government/grand-jury/2020-2021-reports>

What is needed immediately is a new Vacation Home Rental Ordinance. We can not wait 3 years until the County comes up with this new Ordinance. In the meantime more landowners are applying for major use permits to rent out their houses (or rent without permits) demanding outrageous prices. Often owners are not on site, which in an area like ours can have serious consequences. When an owner occupies a house, they take care of it. They know their neighbors, keep the noise down, shop locally, send their kids to the local school, and set down roots. Absentee landlords kill communities. They don't have roots. They don't care about noise, safety, or cleanliness. They don't care about schools or neighbors. All they care about is extracting wealth. This business model is driving locals away and has serious social, economic, and environmental effects that we all bear. It should be demanded that they live on site also to make sure that there is no fire danger, that water is used sparingly, that septic systems are not overloaded, etc. Vesting owners and installing security cameras is not good enough. It should be mandated that all these hosts that offer short term vacation rentals (Airbnb, VRBO, Vacasa, Hipcamp, etc.) are only renting out space in a housing unit that they own and live in full-time.

Thank you for facilitating a solution to allow ADUs and JADUs. I am glad that this LCP Amendment will somewhat address the local needs once you amend it to include the comments you are receiving from the public. The special interests of certain people in certain positions should not sway you to vote against the needs of the local communities.

Sincerely, Annemarie Weibel

From: [Christopher Pederson](#)
To: [NorthCoast@Coastal](#)
Cc: [Ainsworth, John@Coastal](#); [Huckelbridge, Kate@Coastal](#)
Subject: Public Comment on September 2021 Agenda Item Thursday 9a - Mendocino County LCP Amendment No. LCP-1-MEN-20-0021-1(Accessory Dwelling Units).
Date: Friday, September 03, 2021 11:10:16 AM

Dear Chair Padilla and Commissioners:

I support the staff recommendation for the Mendocino County LCP amendment regarding ADUs. The staff report correctly points out that ADUs advance several important Coastal Act policies. They provide an important source of affordable housing, they help to concentrate development in already urbanized areas, and they reduce vehicle miles traveled. (*See* Pub. Resources Code, §§ 30604(f), 30250(a), 30253(d).)

The report also acknowledges that ADUs have the potential to raise Coastal Act concerns if they overburden public services. Rather than imposing burdensome requirements on ADUs that are likely to suppress their creation, staff instead recommends a reasonable cap on the total number of ADUs. That will allow the County to enjoy the Coastal Act benefits that ADUs provide and will allow future consideration of whether to adjust the cap or to impose other requirements in light of any real-world impacts newly constructed ADUs may have.

The approach that staff recommends here should serve as a model for the Commission's evaluation of future LCP amendments regarding ADUs.

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

MEMORANDUM

Date: September 7, 2021

To: Commissioners and Interested Persons

From: Kate Huckelbridge, Deputy Director
Bob Merrill, District Manager

Subject: Addendum for Commission Meeting for Thursday, September 9, 2021
Item Th9a, County of Mendocino LCP Amendment No. LCP-1-MEN-20-0021 (Accessory Dwelling Units)

This addendum presents certain minor corrections to the findings of the August 20, 2021 staff recommendation for the above-referenced item. The corrections address typographical errors by deleting extra words in several locations and changing an incorrect reference from "City" to "County." None of the corrections affect the staff recommended suggested modifications to the LCP amendment.

Staff continues to recommend that the Commission, upon completion of the public hearing, reject the proposed LCP amendment as submitted and approve the LCP amendment if modified by the staff recommended suggested modifications contained in Appendices B and C.

Bullets below reference page numbers of the August 20, 2021 staff report where changes are made. Text to be deleted is shown in ~~**bold double strikethrough**~~, and text to be added is shown in **bold double underline** format.

I. Changes to the Findings

- Page 40, 3rd full paragraph, 2nd to last sentence as follows:

An exception to this standard can be secured through the administrative ~~or standard~~ CDP process if findings are made that the ADU will not impact the long-term productivity of the agricultural land.

- Page 54, 2nd full paragraph, as follows:

County staff has requested a friendly modification (included in **Suggested Modification 2**) to amend the proposed ADU coastal resource protection checklist standards (proposed IP section 20.458.045) to require ADUs on properties with known archaeological resources to obtain an administrative ~~or standard~~ CDP. The Commission further modifies this friendly modification to require that development of ADUs on properties with known archaeological resource may only be approved under an administrative ~~or standard~~ coastal development permit review process and only where reasonable mitigation measures are employed to protect archaeological resources. This required discretionary review process will ensure that the provisions of LUP Policy 3.5-10 are carried out in sensitive areas, including requirements for a field survey by a qualified professional and the incorporation of reasonable mitigation measures. Thus, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the archaeological resource protection provisions of the certified LUP.

- Page 61, 3rd full paragraph, first sentence as follows:

The ~~City's~~ County's LCP amendment consists of both LUP and IP amendments.



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • UKIAH • CALIFORNIA • 95437

IGNACIO GONZALEZ, INTERIM DIRECTOR
JULIA KROG, ASSISTANT DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

September 16, 2021

TO: Independent Coast Observer, Fort Bragg Advocate, and Ukiah Daily Journal
FROM: James Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice

Please publish the following notice at least 1/8 page size, one time on September 23, 2021 in the Legal Notices Section of the Fort Bragg Advocate News and Ukiah Daily Journal and one time on September 24, 2021 in the Legal Notices Section of the Independent Coast Observer.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, October 7, 2021, at 9:00 a.m., or as soon thereafter as the item may be heard, will conduct a public hearing on the following Local Coastal Program Amendment. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: OA_2018-0009/GP_2018-0003

DATE FILED: 12/31/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

REQUEST/SUMMARY: Review and consider a recommendation to the Board of Supervisors on proposed adoption of amendments to the Mendocino County Local Coastal Program Land Use Plan (General Plan Coastal Element) and Implementation Program (Coastal Zoning Code) to regulate development of Accessory Dwelling Units in the Coastal Zone.

ENVIRONMENTAL DETERMINATION: Statutory Exemption pursuant to Public Resources Code section 21080.17

LOCATION: Within the unincorporated areas of Mendocino County located inside the Coastal Zone boundary (Mendocino County Code, Title 20, Division II), excluding the Town of Mendocino (Mendocino County Code, Title 20, Division III).

SUPERVISORIAL DISTRICT: 4 & 5

STAFF PLANNER: JULIA KROG

The staff report, notice, draft resolution, and draft ordinance will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services Website at:

www.mendocinocounty.org/government/planning-building-services/planning-commission.

Your comments regarding the above project are invited. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by October 6, 2021, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors action is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

NASH GONZALEZ, Interim Director of Planning and Building Services



COUNTY OF MENDOCINO
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MEMORANDUM

DATE: OCTOBER 7, 2021

TO: PLANNING COMMISSION

FROM: JULIA KROG; ASSISTANT DIRECTOR, PLANNING & BUILDING SERVICES
LINDA RUFFING; PLANNING CONSULTANT

SUBJECT: LOCAL COASTAL PROGRAM AMENDMENT TO ALLOW ACCESSORY DWELLING
UNITS IN THE COASTAL ZONE
GP_2018-0003 (COASTAL ELEMENT OF GENERAL PLAN)
OA_2018-0009 (TITLE 20, DIVISION II, COASTAL ZONING CODE)

OVERVIEW

In 1985, the Mendocino County Board of Supervisors adopted a Local Coastal Program (LCP) Land Use Plan (Coastal Element of the General Plan) which was subsequently certified by the California Coastal Commission. In 1991, the Board adopted an Implementation Program for the LCP (Division II of Title 20 of Mendocino County Code) which also was certified by the Coastal Commission. When certifying Mendocino County's LCP, the Coastal Commission specifically prohibited the development of accessory dwelling units (ADUs) in the coastal zone due to the limited capacity of State Route 1 and the requirement that State Route 1 remain a scenic two-lane road in rural Mendocino County per Coastal Act Section 30254. (Note: The Mendocino Town Plan and Gualala Town Plan both allow ADUs within their respective planning areas.)

Over the past several years, the California legislature has passed a number of bills intended to remove barriers to development of ADUs with the goal of increasing the availability of affordable rental housing throughout the state. These bills are codified in California Government Code Section 65852.2, et seq. Gov't. Code Section 65852.2(j) specifies that:

"Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units."

Thus, the process of establishing an ordinance to regulate ADUs within the coastal zone requires a thoughtful balancing of the mandates of the State's ADU legislation with the coastal resource protections of the Coastal Act and establishment of coastal permitting procedures that do not include a public hearing.

On July 18, 2019, the Planning Commission conducted a public hearing and reviewed draft amendments to the General Plan Coastal Element (GP_2018-0003) and to the Coastal Zoning Code (OA_2018-0009) which would modify Mendocino County's LCP to establish regulations for ADUs in the coastal zone outside of the Town of Mendocino. The Planning Commission adopted a resolution formally recommending to the Board of Supervisors that the LCP amendment be submitted to the Coastal Commission for certification. On November 5, 2019, the Board of Supervisors adopted Resolution No. 19-378 authorizing submittal of an LCP amendment application to the Coastal Commission.

The LCP amendment application was submitted to the Coastal Commission on March 16, 2020 (LCP-1-MEN-20-0021-1). Commission staff accepted the application for filing and requested supplemental information

(Attachment 1). In response, the County submitted additional analysis and documentation to address the stated concerns about protection of agricultural and timber resources, traffic capacity on State Route 1, adequacy of water and sewer services, protection of environmentally sensitive habitat areas, consistency with recent amendments to State ADU laws, and the Commission's environmental review obligations. Included in the County's submittals were a number of "friendly modifications" to the LCP Amendment that were requested by the County to provide clarification, correct inconsistencies, and address new ADU laws that took effect after the Board's action on the application.

Commission staff deemed the LCP amendment application to be complete on November 17, 2020. On February 12, 2021, the Coastal Commission granted itself a one-year extension to the 90-day time limit for Coastal Commission action on the proposed LCP amendment. On June 9, 2021, the Board of Supervisors received a report from County staff regarding the draft "suggested modifications" recommended by Coastal Commission staff. On September 9, 2021, the Coastal Commission certified the County's LCP amendment with suggested modifications that include the friendly modifications requested by the County and Commission staff's suggested modifications to ensure consistency with the Coastal Act.

The LCP amendment, consisting of GP_2018-0003 and OA_2018-0009, has been revised to include the suggested modifications per the Coastal Commission's certification and is now brought forward to the Planning Commission for a formal recommendation to the Board of Supervisors. Board action is required to adopt the Land Use Plan amendments (GP_2018-0003) and the Implementation Program amendments (OA_2018-0009).

Attachment 2 presents proposed amendments to Land Use Plan to address ADUs. GP_2018-0003 amends Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan.

Attachment 3 presents proposed amendments to the Implementation Program to remove the prohibition on ADUs and establish regulations for development of ADUs and JADUs in the coastal zone. OA_2018-0009 amends 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.

Attachment 4 is a draft Planning Commission resolution providing a formal written recommendation to the Board of Supervisors supporting adoption of GP_2018-0003 and OA_2018-0009.

At this stage of the process, any substantive modifications to the LCP amendment and the Coastal Commission's suggested modifications, as shown in Attachment 2 and Attachment 3, would require resubmittal of an LCP amendment application to the Coastal Commission.

AMENDMENTS TO LAND USE PLAN POLICIES (GP_2018-0003)

To comply with the mandates of State ADU laws, three policies in the LUP which state that "one housing unit" shall be permitted on each parcel must be amended. As shown in Attachment 2, the LUP amendment adds the following statement to Policies 3.2-1, 3.3-5 and 3.9-1:

Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

The Coastal Commission's suggested modifications include language in Policies 3.2-1 and 3.3-5 indicating that, on agricultural lands or timberlands:

Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

For Policy 3.9-1, the Coastal Commission's suggested modifications include language referencing the caps on the number of ADUs (500 units in the coastal zone outside of the Gualala Town Plan area; 100 ADUs within

the Gualala Town Plan area) and the requirement for an LCP amendment in order to remove or modify those caps.

AMENDMENTS TO IMPLEMENTATION PROGRAM REGULATIONS (OA 2018-0009)

The following summary provides a brief overview of the Coastal Commission's suggested modifications to the proposed ADU regulations in the Coastal Zoning Code, as shown in Attachment 3.

Definitions

Modifications to the definitions primarily provide clarifications, update cross-references and address ADU legislation that took effect on January 1, 2020. For brevity, the County requested a modification to refer to ADUs and JADUs by their acronyms throughout the ordinance. In addition, a definition was added for "legally authorized residential structure," a new term that is referenced in other sections of the ordinance.

Cap on Number of ADUs

In Section 20.458.010, the Commission added language to clarify that, prior to an LCP amendment to modify the cap on ADUs in the Gualala Town Plan area, an analysis of water and sewer capacity will be required, as well as an analysis of traffic capacity on State Route 1.

Standards for ADUs and JADUs

As shown in Attachment 3, the LCP amendment includes new Sections 20.458.015, 20.458.020, 20.458.025, 20.458.030, 20.458.035 and 20.458.040 which establish general and specific standards for ADUs and JADUs. Substantive modifications to these sections include revisions necessary to conform the standards to updated State ADU legislation and the following modifications required by the Coastal Commission:

- Section 20.458.020(A) clarifies that a certificate of occupancy for an ADU may not be issued before the certificate of occupancy for the primary dwelling.
- Section 20.458.020(F)(1) requires that, on properties with an ADU or JADU, none of the dwelling units may be used for transient habitation. The County's LCP amendment application had only prohibited use of the ADU and/or JADU for transient habitation. The County Board of Supervisors reviewed this modification on June 9, 2021 and expressed support for the change.
- Section 20.458.020(F)(2) clarifies that, for ADUs and JADUs that are located within 125 feet of a coastal bluff, the deed restriction identifying the prohibition on use of ADUs, JADUs and dwellings for transient occupation shall also include the Commission's required prohibition on shoreline protective devices.
- Sections 20.458.040(B) and (C) are modified to clarify that JADUs that require CDPs and which result in additional bedrooms are subject to review of water and sewage disposal availability by the Division of Environmental Health. The Commission also deleted references to the County's guidelines for conducting such evaluations rather than incorporate those guidelines into the certified LCP.

Coastal Resource Protections

Section 20.458.045 establishes objective standards for ADUs and JADUs to ensure protection of coastal resources in accordance with LCP and Coastal Act policies. Substantive modifications required by the Coastal Commission include the following:

- Throughout Section 20.458.045, references to allowing exceptions to the objective standards "through the administrative or standard coastal development permit process" were changed to strike "~~or standard~~". This is consistent with required modifications to Section 20.532.015 that

establish an administrative coastal permit process for ADUs and JADUs that will allow for the exercise of discretionary judgment without the requirement for a public hearing.

- Section 20.458.045(C) was modified to require that ministerially-approved ADUs in Highly Scenic Areas must be "permanently and entirely blocked from view" and to establish design standards for ADUs located outside of Highly Scenic Areas that are visible from a public viewpoint.
- Section 20.458.045(E) was modified to require that detached ADUs on parcels with resource zoning (AG, RL, FL, TPZ) be setback no more than 100 feet from the existing or proposed legally-authorized primary residence and that they utilize an existing driveway. The modifications exempt from the clustering requirement ADUs that are established in "a legally-authorized residential structure existing as of the effective date of the ordinance." Ancillary development to support ADUs and JADUs is also required to be clustered.

Permit Requirements for ADUs

Modifications to Sections 20.532.015(A) and 20.536.005 are proposed to establish procedures for obtaining an administrative CDP in instances where an applicant requests an exception to the objective standards established in Section 20.458.045. The modifications clarify that ADUs and JADUs that are appealable to the Coastal Commission may utilize the administrative CDP process and that administrative CDPs for ADUs and/or JADUs are not appealable to the Board of Supervisors.

Section 20.532.055 is modified to provide clarifications regarding the 60-day time period for acting on a ministerial or administrative CDP for an ADU and/or JADU. The section now also includes "Failure to act" provisions based on language that was agreed upon by the County and Coastal Commission in a recent amendment of the Zoning Code for the Town of Mendocino.

NEXT STEPS

The remaining process for approval of the LCP amendment for ADUs and JADUs includes the following steps:

- 1) The Planning Commission will conduct a public hearing, review the LCP amendment, and make a recommendation by resolution to the Board of Supervisors.
- 2) The Board of Supervisors will receive the Planning Commission's recommendation, conduct a public hearing, take action by resolution on the General Plan amendment and take action by ordinance on the Zoning Code amendment. The Board is tentatively scheduled to conduct a public hearing and consider action on the LCP amendment on November 9, 2021. Adoption of Ordinance OA_2018-0009 requires a two-step process whereby the ordinance would be introduced at one meeting and adopted at a subsequent meeting.
- 3) Lastly, the Executive Director of the Coastal Commission will "sign off" on whether the final actions taken by the Board of Supervisors are consistent with the Coastal Commission's certification of the LCP amendment and report his findings to the Coastal Commission.

A reasonable projection is that these steps will be completed and the new ADU regulations for the coastal zone will be in full force and effect in February 2022.

CEQA DETERMINATION

Pursuant to CEQA Guidelines Section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions Sections 65852.1 and 65852.2 of the Government Code" is statutorily exempt from CEQA, based on Public Resources Code Section 21080.17.

GENERAL PLAN CONSISTENCY ANALYSIS

The Housing Element of the General Plan contains the following policies related to ADUs:

- Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
- Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
- Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
- Policy 3.2 - Promote the development of ADUs.
- Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.

Staff recommends that the proposed LCP amendment is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element. The LCP amendment aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

RECOMMENDED MOTION FOR THE PLANNING COMMISSION

Adopt resolution making the Planning Commission's report and recommendation to the Board of Supervisors on a proposed amendment to the Coastal Element of the Mendocino County General Plan (Policies 3.2-1, 3.3-5, and 3.9-1) and a proposed amendment to the Coastal Zoning Code (Title 20 – Division II of the Mendocino County Code, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536 and 20.544), finding that the actions are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17.

ATTACHMENTS

1. March 30, 2020 Coastal Commission filing letter
2. Proposed GP_2018-0003 (redline)
3. Proposed OA_2018-0009 (redline)
4. Resolution of the Planning Commission

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



March 30, 2020

County of Mendocino
Attn: Julia Acker Krog, Chief Planner
860 N Bush Street
Ukiah, CA 95482

RE: Application for Local Coastal Program (LCP) Amendment LCP-1-MEN-20-0021-1 (received by email 3/16/20) to amend the Mendocino County Local Coastal Program (LCP) regarding accessory dwelling units and junior accessory dwelling units in the coastal zone outside of the Town of Mendocino.

Dear Ms. Acker Krog:

Thank you for the County staff's transmittal for Commission certification of the above-referenced amendment to Mendocino County's LCP regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The amendment application transmittal was received by our North Coast District Office via email March 16, 2020, with a hard copy received by regular mail March 19, 2020.

Commission staff coordinated closely with County staff during the development of this amendment beginning in November 2018, and submitted a detailed comment letter on the draft amendment in June 2019 ahead of the July 2019 Planning Commission hearing. We commend County staff for working to address many of Commission staff's concerns, with this early coordination resulting in a significant narrowing of issues of conformance with the Coastal Act and certified LCP that might otherwise have needed to be addressed during the Commission's hearings on certification of the proposed amendment. Although the issues have been significantly narrowed, the County's March 2020 application transmittal lacks information necessary to complete the application in conformance with Public Resources Code¹ §30510 (and associated implementing regulations 14 CCR §13551 et seq.) and assist us in preparing a recommendation for the Commission, including information that Commission staff originally requested in our June 2019 comment letter.

We understand that the County (like the rest of the state) is facing a housing crisis and is eager to have this amendment certified in order to facilitate increased housing production in the coastal zone. We are committed to moving this LCP amendment forward as quickly as possible, but in order to do so, we need the County staff to be forthcoming with requested information. If the County does not understand what we are asking for or is struggling with any responses, please feel free to call or email Cristin Kenyon of our staff for assistance.

¹ Hereafter "Coastal Act" refers to Division 20 of the California Public Resources Code.

Coastal Act and LCP Consistency

The subject amendment includes proposed changes to both the land use plan (LUP) and implementation program (IP) portions of the County's certified LCP. Pursuant to Coastal Act §30512(c), to certify a proposed LUP amendment, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act §30513, to certify a proposed IP amendment, the Commission must find that the IP as amended conforms with and is adequate to carry out the provisions of the certified LUP. The following requested information is necessary to allow the Commission to make necessary consistency findings with the certified LUP and Coastal Act and to fulfill the Commission's CEQA obligations for review of the proposed amendment.²

A. AGRICULTURAL AND TIMBER RESOURCES

The proposed amendment would permit ADUs and JADUs in all zoning districts which allow single-family dwellings, including on parcels zoned AG (Agricultural), RL (Range Lands), FL (Forest Lands), and TPZ (Timberland Protection). Coastal Act §§30241-2 are intended to maintain land in agricultural production and protect the viability of agricultural lands from direct, indirect, and cumulative impacts of land uses not directly related to the primary use of agricultural lands for the production of agricultural commodities. These policies, implemented through LUP Policies 3.2-4, 3.2-5 and 3.2-16 (among other policies and standards of the certified LCP), strictly limit the circumstances under which agricultural land can be converted to non-agricultural land uses. As for timber resources, Coastal Act §30243 requires that the long-term productivity of soils and timberlands be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size be limited to providing for necessary timber processing and related facilities. The County's certified LCP carries out these provisions by prohibiting conversion of timberland to incompatible uses, avoiding timberlands soils in housing development, and requiring findings for the approval of development on timberlands to demonstrate that proposed uses are compatible with growing and harvesting timber and the protection of timber resource lands (see certified LUP Chapter 2.2 and Policies 3.3-3 and 3.3-5). Please address the following requests related to the protection of agriculture and timberlands:

1. Clustering requirement: To protect agricultural and timber resources, the proposed amendment allows detached ADUs on parcels zoned AG, RL, FL, or TPZ if located within 150 feet of existing legally-authorized structures. Commission staff supports a requirement to cluster ADUs with existing structures to potentially avoid or minimize loss of land available for agriculture or commercial timber harvests, but questions whether 150 feet is too great a distance and whether new detached ADUs should only be clustered with other residential structures (rather than any other structures). Therefore, please provide the County's reasoning for the proposed 150-foot

² The Secretary for Natural Resources has certified the Commission's LCP program as "functionally equivalent" under CEQA. Thus, the LCP amendment application submittal must include sufficient environmental information for the Commission to make findings that the substantive requirements of CEQA are complied with. These findings include identification of all potentially significant environmental impacts and consideration of mitigation measures and project alternatives to avoid or minimize those impacts.

maximum distance and allowance for clustering with non-residential structures (i.e., why a smaller maximum clustering distance and/or a restriction to only cluster with other residential structures is not necessary to ensure protection of agricultural and timber resources). As part of your response, please clarify whether any alternative clustering distances were considered, including (1) the alternative of a smaller maximum clustering distance more commensurate with setbacks typically found in residential neighborhoods between houses and ADUs; and (2) the alternative of only allowing attached ADUs.

2. Existing County agriculture: To evaluate the impact of the proposed amendment on the agricultural resources of the County's coastal zone, we need a better understanding of the current state of the agricultural economy and the use of AG and RL lands in the County's coastal zone. Please provide any available information summarizing: (1) the major/main agricultural crops, activities, and centers in the County's coastal zone; (2) the number of acres, number of parcels, and/or relative amount of AG and RL property/land in the County's coastal zone under Williamson Act contracts and/or supporting active agricultural operations; and (3) the extent that AG and RL lands in the County's coastal zone are being used for rural residences, vacation home rentals, and/or other non-agricultural uses that are not supporting active agricultural operations. To the extent that AG and RL lands are not being used for agriculture (vacant or used only for purposes other than commercial agriculture), please provide any information summarizing why this may be the case (e.g., competition with rural residential development, high property values, suitability of lands for agriculture, parcel size, remoteness of the coastal zone from agricultural markets, etc.).
3. Prime lands and soils: Proposed Mendocino County Coastal Zoning Code (CZC) §20.458.045(E)(2) limits ministerial coastal development permits (CDPs) for ADUs to non-prime soils. To help evaluate the implications of this limit, please provide any available mapping or other information on the extent, location, and relative proportion of prime and non-prime agricultural lands and/or soils within the County's coastal zone. Please also clarify how County staff will determine whether soil is prime for the purposes of implementing proposed CZC §20.458.045(E)(2). Finally, please explain why proposed CZC §20.458.045(E)(2) focuses on prime soils rather than prime agricultural lands more broadly.³
4. Impact on farm employee and farm labor housing: While the currently certified IP expressly prohibits second dwelling units outside of the Gualala Town Plan Area and the Town of Mendocino, this prohibition does not apply to farm employee

³ Pursuant to Coastal Act §30241, the maximum amount of prime agricultural land shall be maintained in agricultural production. Coastal Act §30113 and Mendocino Coastal Zoning Code §20.308.095(J) define "prime agricultural land" to include land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

housing⁴ or farm labor housing,⁵ which are both allowed as conditional uses on AG, RL, FL, and TP lands. The proposed amendment would allow ADUs on AG, RL, FL, and TP lands through a ministerial, administrative, or standard CDP process, and would not allow farm employee and farm labor housing on parcels where an ADU or JADU is present. Please provide an assessment of whether these provisions of the proposed amendment will disincentivize the construction of farm employee and labor housing in the coastal zone.

5. Timber removal restriction: Proposed CZC §20.458.045(E)(3) does not allow ministerial CDPs for ADUs on parcels zoned FL or TPZ in locations where “timber removal is necessary.” Please clarify whether “timber” removal means “tree” removal (i.e., a ministerial CDP could not be processed if any tree needed to be removed to construct the proposed ADU). Please explain why the County chose this standard to protect timber resources and whether any alternative timber resource standards were considered.

B. ADEQUACY OF SERVICES

Coastal Act §30250(a) (implemented through LUP Policy 3.9-1 among other LCP policies and standards) states in part that new residential development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Coastal Act §30254 also requires in part that Highway One remain a scenic two-lane road. A major challenge in Mendocino County's coastal zone is the limitation of residential density to levels which are compatible with highway capacity, water availability, and septic capacity. As proposed, the amendment would remove the prohibition on second residential units outside of the Gualala Town Plan area, and an ADU and/or JADU would be allowed in addition to one detached bedroom or guest cottage on parcels containing an existing or approved single-family dwelling in all zoning districts which allow single-family dwellings. The proposed amendment increases the potential residential development buildout in the County and thus raises questions of conformance with Coastal Act §§30250 and 30254 and associated LUP policies. Please address the following questions related to adequacy of services:

State Route (SR) 1 Capacity

6. Existing SR 1 studies: The County's application submittal indicates that three studies of SR 1 capacity in Mendocino County have been prepared since LCP

⁴ Mendocino CZC §20.316.020 defines “farm employee housing” as occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. CZC §20.308.045(E) defines “farm employee” as any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, timber production, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market.

⁵ Pursuant to Mendocino CZC §20.316.020, housing for more than one farm employee and his/her family is classified as farm labor housing.

certification in 1985: the "State Route 1 Corridor Study" (Whitlock & Weinberger; 1993); the "State Route 1 Corridor Study Update" (WTrans; 2008); and the "Transportation Concept Report – State Route 1" (Caltrans, District 1; 2016). Please provide copies of the aforementioned studies.

7. Anticipated future SR 1 and VMT studies: Under the amendment, an allowance for 500 ADUs is being proposed as an interim measure necessary to aid with the housing crisis until such time as an updated comprehensive SR 1 corridor study can be prepared to ensure that SR 1 remains a two-lane scenic highway consistent with Coastal Act §30254, and is able to accommodate the increased traffic generated by proposed increases in residential buildout, consistent with Coastal Act §30250. According to the County's application submittal, the County is deferring the SR 1 corridor study update in part to ensure that the study complies with SB 743 which requires that, by July 1, 2020, all jurisdictions must adopt and implement standards for traffic analyses using a vehicle miles traveled (VMT) analysis rather than a level of service (LOS) analysis. The County's application submittal indicates that Mendocino County is in the process of developing VMT standards; please provide an update on this process (timeline, funding, etc.). Please also explain how VMT analysis will factor into a future SR 1 corridor study, and what the County's understanding is with regard to whether Caltrans is planning on factoring VMT into their future evaluations of needed improvements for SR 1 (or if Caltrans will continue to focus on LOS and average daily traffic in their evaluation and design of roadways and intersections). Finally, please provide information on any progress the County and/or Caltrans is making towards a SR 1 corridor study update (e.g., plans or funding allocation from the County or Caltrans).
8. Implications of vacation home rental allowances: The proposed amendment does not allow ADUs or JADUs to be used as vacation home rentals, but does not otherwise restrict vacation home rentals on parcels with ADUs (except within the Gualala Town Plan area, where use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited). As a result, property owners could choose to live within their ADU or JADU and rent out their primary residence to transient guests as a vacation home rental, thereby not creating any new long-term housing in the coastal zone. An argument for allowing ADUs where there may not be additional traffic capacity is that ADUs will provide homes near jobs and services and thus reduce VMT; this argument does not hold up if property owners live in their ADUs to convert their homes into vacation home rentals for tourists. Given that the main reason for expediting this amendment ahead of necessary traffic analysis is to help address the housing crisis, please explain why the County has not chosen to prohibit vacation home rentals on properties with ADUs and/or JADUs. To provide us with a baseline understanding of the prevalence of this visitor-serving use, please also indicate the current number of licensed vacation home rentals in the County's coastal zone. Finally, to help us better understand the regulatory context for vacation home rentals in the County's coastal zone, please provide a copy of any local (uncertified) County regulations pertaining to vacation home rentals, especially any limits on the number of vacation home rentals allowed.

9. Justification for 500-unit cap: The certified IP explicitly requires analysis of traffic impacts before an LCP amendment can be approved to allow second residential units outside of Gualala and the Town of Mendocino. The County is proposing to allow ADUs without this analysis and instead address concerns about traffic capacity by implementing a 500-unit cap on the number of ADUs. The LCP application submitted by the County indicates that when distributed throughout the coastal zone, the 500 ADUs permitted under the proposed cap are expected to result in a de minimis increase in traffic volumes, but provides no evidence to support this conclusion. As requested in our June 2019 pre-submittal comment letter, please provide an analysis of how the cap ensures that highway capacity is adequate to serve potential ADU development (i.e., what is the basis for asserting that traffic impacts would be de minimis?).⁶ Providing an explanation of the nexus between the 500-unit cap and adequate traffic capacity is not only necessary to ensure consistency with Coastal Act and LCP service capacity policies, but also to ensure that the cap complies with the standards of Government Code §65852.2 to the greatest extent feasible.⁷ As part of this analysis, please provide information that puts the 500 units in context; for example, is this number small relative to the number of existing residences in the County's coastal zone and/or relative to potential residential buildout?
10. Tracking ADU development under the proposed caps: According to the County's application submittal, the County is deferring the SR 1 corridor study update in part so that the County can base the study on actual data on the rate of development of ADUs and their associated travel characteristics in the County's coastal zone. As requested in our June 2019 pre-submittal comment letter, please explain how the County will track ADU development for purposes of implementing the 500-unit cap and collecting data for future anticipated traffic studies. As also requested in our pre-submittal comment letter, please indicate the current number of permitted ADUs in the Gualala Town Plan area relative to the existing 100-unit cap and clarify how ADU development in Gualala is tracked by the County.

Water and Septic Capacity

11. Known issues with adequacy of water and sewer services: The amendment application submittal indicates that most properties in the coastal zone are served by individual water wells and septic systems and provides a list of community water and/or sewer systems that serve areas in the unincorporated County's coastal

⁶ This could be accomplished, for example, by evaluating worst-case scenario traffic impacts of potential ADU development relative to available capacity or otherwise logically tying the cap to some quantification of highway capacity impacts and limitations. For example, the County could potentially assign an average daily trip count to new ADUs (based on best available information on rural residential trip generation) and compare the estimated average daily trips from 500 ADUs to the traffic volumes in Caltrans' 2016 Transportation Concept Report to show that additional potential traffic from 500 ADUs will have a negligible impact on overall traffic counts.

⁷ ADU law allows local governments to designate areas within their jurisdiction where ADUs may be permitted based on adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety [§65852.2(a)(1)(A)].

zone.⁸ Please summarize any known service limitations/ capacity issues that could limit ADU development, including any known areas of the County reliant on wells where groundwater supply is an issue (or any updated groundwater studies), or any limits on the capacity of community water and/or sewer systems (e.g., LAFCo service reviews, moratoriums on new connections, known reliance on water trucking etc.).

12. Evaluating the adequacy of ADU/JADU water and septic: The proposed amendment requires, per proposed CZC §§20.458.040(B) and 20.458.040(C), that the Division of Environmental Health (DEH) review and approve all ADU applications for the availability and adequacy of water systems and sewage disposal systems based on standards established in the Mendocino County DEH "Guidelines for Accessory Dwelling Units." Please provide the following clarifications regarding this requirement:

- a. If the source of drinking water is a well or spring, the ADU guidelines indicate that the property owner shall hire a qualified person to determine whether the well or spring meets the County proof of water requirements for a second residential unit. Please clarify whether the intent of this standard is to require proof of water for every proposed ADU, or whether and under what circumstances no investigation would be required. Please also clarify whether proof of water would be evaluated solely based on the 1989 DEH Coastal Groundwater Development Guidelines,⁹ or whether the County would evaluate proof of water based on all of the applicable policies and standards of the LCP. If available, please also provide a map of the DWR groundwater resource classifications in the coastal zone used in the 1989 guidelines.
- b. With respect to onsite septic, the guidelines seem to only address situations where one additional bedroom is added to the property, either through the addition of an ADU that contains only one bedroom, or through the addition of a larger ADU in conjunction with converting bedrooms in the existing structure into other space (so that the total combined bedrooms in the primary and second residence equal no more than one greater than the originally permitted septic capacity). Please clarify the septic requirements if there is a net increase of more than one bedroom on a property as the result of ADU development, or whether the addition of more than one bedroom is

⁸ This list includes: the North Gualala Water Company (water), Gualala Community Services District (sewer), Anchor Bay County Waterworks (sewer), Point Arena Water Works (water), Irish Beach Water Company (water), Elk Community Services District (water), Pacific Reefs California Water District (water), Albion Mutual Water Company (water), Mendocino City Community Services District (sewer), Surfwood Mutual Water Corporation (water), Caspar South Water District (water), City of Fort Bragg (water), Fort Bragg Municipal Improvement District (sewer), and Westport County Water District (water and sewer).

⁹ In these 1989 guidelines, groundwater study requirements for creation of second residential units range from no investigation to a complete hydrological study, depending upon lot size and the respective DWR groundwater resource classification for the project area.

prohibited on properties that rely on onsite septic systems. Please also clarify the septic requirements if a proposed ADU would not result in a net increase of bedrooms on a property.

- c. With respect to onsite septic, please confirm whether, for all ADUs (without exception), the guidelines require the property owner to hire a Qualified Site Evaluator to identify a replacement area that is sized to serve the total number of bedrooms originally in the primary residence plus the total number of bedrooms in the new second residence.
- d. Please confirm whether ADUs would only be permitted upon an affirmative response from DEH that the water and sewage disposal systems are adequate.
- e. Please clarify whether and under what circumstances the guidelines would apply to JADUs. If the development of a JADU triggered the need for a new well, water storage facility, or new or expanded leach field area, clarify whether the JADU would still be exempt from the need for a CDP.
- f. If an ADU triggered the need for a new well, water storage facility, or new or expanded leach field area, please clarify whether these improvements could be permitted through the proposed ministerial CDP process, or whether they would be exempt from the need for a permit or require a separate administrative or standard CDP.

C. OTHER COASTAL RESOURCES

- 13. Environmentally Sensitive Habitat Area (ESHA): Coastal Act §30240 requires that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas and be compatible with the continuance of such habitat areas. LUP Policy 3.1-7 implements this policy in part by requiring a 100-foot-wide buffer area adjacent to all ESHA. Proposed CZC §20.458.045(A) prohibits ministerial CDPs for ADUs within 100 feet of the boundary of an ESHA unless contained entirely within an existing legally-authorized structure (this standard is also proposed to apply to development associated with an ADU). Please clarify how the County will determine the presence or absence of ESHA for the purpose of implementing this proposed standard.
- 14. Visual resources: Coastal Act §32051 requires development to be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding area (and subordinate to the character of the setting in designated highly scenic areas). To protect visual resources, proposed CZC §20.458.045(C) prohibits ministerial CDPs for publicly visible ADUs located within highly scenic areas. To allow us to better communicate the location and extent of designated highly scenic areas to our Commissioners, please provide a one-page map of the entire coastal zone that highlights the highly scenic areas (similar to the map of AG, RL, FL, and TP lands included as Attachment 8 in the PC packet for the subject amendment). Because the visual resource protections of the Coastal Act

apply to all permitted development including development outside of highly scenic areas, please also explain how visual resources would be evaluated and protected for ADUs permitted outside of highly scenic areas consistent with Coastal Act §32051.

15. Archaeological resources: Coastal Act §30244 requires reasonable mitigation measures where development would adversely impact archaeological resources. No archaeological resource standards are included in proposed CZC Chapter 20.458. Please explain whether the County considered including an archaeological resource standard in proposed CZC §20.458.045, such as a requirement for discretionary permit review of ADUs on known sensitive sites, and explain how, without such a standard, the County will ensure the protection of archaeological resources in the ministerial approval of ADUs.
16. Coastal hazards: Proposed CZC §20.458.045(H) requires discretionary CDP review (i.e., prohibits ministerial CDPs) for ADUs in areas designated as Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District. To help us better understand the potential impact and geographic application of this standard, please provide a map identifying where the FP, DL, and SS Combining Districts apply.

D. REQUESTS ADDRESSING MULTIPLE RESOURCES & CUMULATIVE IMPACTS

17. Area of impact: To help us understand the potential cumulative impact and geographic application of this amendment, please provide (a) a list of the land use designations and zoning districts where ADUs would be permitted under the proposed amendment (i.e., all districts and designations which allow single-family residences); (b) a map (or set of maps) highlighting the areas of the County where ADUs would be permitted under the proposed amendment (as requested in our pre-submittal comment letter); (3) a breakdown of land use designations and/or zoning districts in the County's coastal zone by acreage and number of APNs; and (4) if available, the number of parcels/APNs in the coastal zone developed with existing residences.¹⁰
18. Questions regarding the distribution of ADUs: As proposed, the LCP amendment would allow 500 ADUs and an unlimited number of JADUs (outside the Gualala Town Plan area and Town of Mendocino planning area) in the coastal zone in any zoning districts that allow residential uses, including on resource lands (AG, RL, FL, and TP Districts), without consideration of urban/rural boundaries and/or service district boundaries, and without regional allotments or limitations based on adequate water, septic, or traffic capacity, and/or potential cumulative impacts on capacity. Given that the County is proposing a significant limit on the number of allowable ADUs, we question why the County is not proposing provisions to distribute these allowable units in ways that better ensure protection of coastal resources, adequacy

¹⁰ Understanding the number of parcels/APNs in the coastal zone with existing residences would help us better understand how many potential JADUs could be permitted under the proposed amendment. Understanding the number of existing residences would also help put the proposed 500-unit cap on ADUs into perspective (see Request # 9).

of services, concentration of development, and protection of urban-rural boundaries consistent with Coastal Act §§30241, 30250 and 30254, and parallel LUP policies. Regarding this issue, as requested in our June 2019 pre-submittal comment letter, please explain why the County is not proposing to:

- a. prioritize ADUs within or limit ADUs to designated urban areas of the County and/or areas within service district boundaries¹¹ in order to promote infill and allow for higher density growth in existing urban areas and/or areas with services;¹²
- b. prioritize ADUs within or limit ADUs to residential zones where agricultural and timber resources can be avoided (i.e., discourage or prohibit in AG, RL, FL, and TPZ Districts) to promote infill in existing residential neighborhoods;
- c. assign regional allotments of ADUs under the County-wide cap to avoid concentrations of ADUs and resulting cumulative impacts to services beyond local/regional capacity; or
- d. prohibit or further limit or restrict ADUs in subareas of the County's coastal zone where there is an identified lack of adequate water, septic or traffic capacity (e.g., critical water areas).

19. Standards for JADUs: Some of the health and safety requirements listed under proposed CZC §20.458.040 and all of the coastal resource protections listed under proposed CZC §20.458.045 do not apply to JADUs. Proposed regulations that would not apply to JADUs include but are not limited to (1) the requirement that DEH review and approve the availability and adequacy of the water and sewage systems [CZC §20.458.040(B)&(C)]; (2) the prohibition within designated special flood hazard areas [CZC §20.458.040(E)]; and (3) the requirement for a discretionary review process for ADU development within 100 feet of an ESHA, within 125 feet of the edge of a coastal bluff, within highly scenic areas, on prime agricultural soils, and in areas covered by FP, DL, and SS Combining Districts. As requested in our June 2019 pre-submittal comment letter, please provide the rationale for why these standards are not necessary for JADUs to ensure compliance with the policies of the certified LUP and in turn the Chapter 3 policies of the Coastal Act.

General Clarifications on Amendment Provisions

20. Allowance for ADUs in the floodplain: Proposed CZC §20.458.040(E) appears to conflict with proposed CZC §20.458.045(H), because §20.458.040(E) prohibits ADUs in designated special flood hazard areas, while §20.458.045(H) allows ADUs

¹¹ Urban/rural boundaries and service district boundaries are delineated on the certified LUP maps. LUP maps of Westport, Fort Bragg, Irish Beach and Manchester all include urban/rural boundaries that designate urban areas in the unincorporated County.

¹² Concentrating ADUs near jobs and services also makes sense given that one of the main hurdles to permitting more ADUs in the County is highway capacity, and ADUs located near jobs and services will generate fewer vehicle miles traveled than ADUs located in more rural areas of the County's coastal zone.

in areas designated FP Combining District (which applies to special flood hazard areas) through an administrative or standard CDP process. Please clarify whether ADUs are outright prohibited in special flood hazard areas or whether they are allowed through a discretionary review process.

21. Clarification on ADU and JADU allowances in Gualala: Please clarify whether JADUs permitted in the Gualala Town Plan Area are exempt from the 100-unit cap. Please also clarify whether qualifying properties in Gualala are allowed one JADU in addition to one ADU, or whether properties are limited to an ADU or a JADU. In addition, please explain why the County is not proposing to update existing floor area limitations for ADUs in the Gualala Town Plan Area consistent with current state ADU law.
22. Clarification on JADUs: Under proposed CZC §20.308.065(A), a JADU is defined in part as a living space contained entirely within a legally-authorized single-family dwelling. Proposed CZC §20.532.020(G) exempts a JADU from the need for a CDP if the JADU is consistent with the requirements of Chapter 20.548. With respect to JADUs, please clarify:
 - a. whether the creation of a JADU may involve improvements elsewhere on the property (e.g., improvements to driveways and onsite water and septic systems); the conversion of nonhabitable space (like an attached garage) into habitable space; and/or the addition of a bedroom (i.e., the conversion of a portion of a residence without an existing bedroom into a JADU).
 - b. (1) whether all applications for a JADU will either be exempt from the need for a CDP or denied as inconsistent with Chapter 20.548; or (2) whether JADUs in any circumstances would require CDP authorization.
 - c. whether and how JADU development could be tracked and reported to evaluate service capacity impacts given the CDP exemption.¹³
23. Processing of ministerial CDPs for ADUs: Based on proposed CZC §§20.532.015(B) and 20.536.001(A), it appears that ministerial CDPs for ADUs will be approved based on consistency with proposed Chapter 20.548. As requested in our June 2019 pre-submittal comment letter, please clarify whether the County's findings for approval of a ministerial CDP would only address consistency with Chapter 20.548, or whether the County would also make findings outlined in CZC §20.532.095 ("Required findings for all CDPs") and in §20.532.100 ("Supplemental Findings") as applicable.
24. Relationship to adopted categorical exclusion order: The County has a certified categorical exclusion order that excludes from CDP requirements certain residential construction, water wells, and septic systems in certain geographic areas. Please explain whether the County believes any ADU and/or JADU development, including any associated well and septic improvements, would be exempt from the need for a

¹³ Tracking of JADU development seems critical to developing an understanding of impacts on SR 1 capacity.

CDP in those geographic areas pursuant to the categorical exclusion order; and if so, under what circumstances.

Outreach, Noticing, and Response to Public Comments

25. Tribal outreach: The County's application indicates that the County contacted the Native American Heritage Commission for a tribal consultation list and mailed notification of the amendment to tribal representatives on May 3, 2019. Please clarify whether any responses were received regarding the County's referral or whether any further correspondence occurred with tribal representatives regarding the subject amendment.
26. Noticing list: To allow the Coastal Commission to notice all interested parties of upcoming actions on the proposed amendment, please provide a mailing list associated with the local public hearings that were held for the LCP amendment, including a list of all names and addresses of those who were sent public hearing notices. Please also provide the contact information (home and/or email addresses), if available, of any persons who participated during the local review process. Finally, please provide a mailing list for all other interested persons and public agencies listed under §13515(a) of the Coastal Commission's administrative regulations,¹⁴ whether notified directly by the County or not.
27. Public comment: To address the public participation requirements of the Coastal Act and CEQA, CCR §13552(a) requires LCP amendment submittals to include a list of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP amendment; and copies or summaries of significant comments received and of the local government's response to the comments. The County's application submittal appears to include all written comments received on this amendment as well as minutes from the November 2019 Board of Supervisors (BOS) hearing that include a list of members of the public who spoke at that hearing. Please provide: (1) a list of public speakers from the July 2019 Planning Commission (PC) hearing on the proposed amendment; (2) information on the nature and content of oral comments received at both the PC and BOS hearings (or transcripts or videos of the hearings); and (3) a response to oral and written public comments.

2020 Amendments to State ADU Law

28. Changes to ADU law: Since the proposed amendment was adopted by the County in November 2019, Government Code §§65852.2 and 65852.22 regarding ADUs

¹⁴ §13515(a) states, "At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of the LCP or LRDP shall be mailed to: (1) any member of the public who has so requested; (2) each local government contiguous with the area that is the subject of the LCP or LRDP; (3) local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LRDP; (4) all of the state and federal agencies listed in Appendix A of the Local Coastal Program Manual; (5) local libraries and media; and (6) other regional or federal agencies that may have an interest in or be affected by the LCP. Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups."

and JADUs have been amended (effective January 2020). It appears there may be inconsistencies between the proposed amendment and the new provisions of the law that the County may want to address, including but not limited to with regards to floor area limitations, separate sale and conveyance, definitions (e.g., efficiency kitchen), parking requirements, and permitting deadlines. Please clarify whether the County would like any inconsistencies addressed through friendly suggested modifications.

After the above-listed materials have been received, the application will again be reviewed and will be deemed submitted if all is in order (CCR § 13553). Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above information request. Thank you in advance for your cooperation and don't hesitate to contact the North Coast Office at NorthCoast@coastal.ca.gov with any questions.

Sincerely,
Robert Merrill
District Manager

A handwritten signature in black ink that reads "Cristin Kenyon". The signature is fluid and cursive, with a long horizontal stroke at the end.

CRISTIN KENYON
Supervising Analyst

ATTACHMENT 2
GP_2018-0003, LAND USE PLAN AMENDMENT
(with Coastal Commission Suggested Modifications)

Language of the currently certified LUP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

The Coastal Commission's suggested modification additions and deletions are shown in **bold, double-underlined text** and ~~**bold, double-strike-out text**~~, respectively.

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] **as follows:**

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.**

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] **as follows:**

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.** Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] **as follows:**

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

ATTACHMENT 3
OA_2018-0009, IMPLEMENTATION PROGRAM AMENDMENT
(with Coastal Commission Suggested Modifications)

Relevant excerpts of the County's IP are included below to show the context of the County's proposed changes to the IP in concert with the Commission staff's suggested modifications.

Language of the currently certified IP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

The Coastal Commission's suggested modification additions and deletions are shown in red, bold, double-underlined text and ~~red, bold, double-strike-out text~~, respectively.

NOTE: The suggested modifications include "friendly modifications" requested by the County after submittal of the LCP application to make minor corrections, provide clarification and address recent changes in State ADU laws.

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472,
20.532, 20.536, and 20.544 OF TITLE 20, DIVISION II OF THE MENDOCINO
COUNTY CODE AMENDING DEFINITIONS AND REGULATIONS RELATED TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

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).

- (~~GH~~) "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 ~~accessory dwelling unit~~ ADU as defined in Section 20.308.020(G), or a JADU as defined in Section 20.308.065(A).
- (~~HI~~) Accessory Structure. See Accessory Building.
- (~~IJ~~) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (~~JK~~) "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.
- (~~KL~~) "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.
- (~~LM~~) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (~~MN~~) "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.
- (~~NO~~) "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.
- (~~OP~~) "Animal Raising." See Light Agriculture.
- (~~PQ~~) "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.
- (~~QR~~) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (~~RS~~) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (~~ST~~) "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.
- (~~TU~~) "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.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII 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.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~XY~~) "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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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 ~~accessory dwelling unit 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 ~~junior accessory dwelling unit~~ JADU that includes the following:
- ~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~
- ~~(12) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~
- ~~(23) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit JADU.~~
- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "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.
- (DE) "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.
- (EE) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "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.
- (GH) "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.
- (HI) "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 ~~a legally authorized an existing or proposed~~ single-family dwelling. A junior accessory dwelling unit 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 ~~structure single-family dwelling.~~ See Chapter 20.458 (Accessory Dwelling Units).

- (AB) "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).

(A4) "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.

(B2) 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)).

(D3) "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.

(E4) "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.

(F5) Living Unit, Accessory. See Accessory Living Unit.

(G6) "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.

(H7) "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.

(I8) Lodging house. See Hotel.

(J9) "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.

(K49) "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.

(L44) "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.

(M42) "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.

(N43) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

~~(Q44)~~ "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

~~(P45)~~ "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

~~(Q46)~~ "Lot, Interior" means a lot other than a corner lot.

~~(R47)~~ "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.

~~(S48)~~ "Lot Line" means any property line bounding a lot.

~~(149)~~ "Lot Line, Exterior" means a property line abutting a public or private road or street.

~~(220)~~ "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.

~~(324)~~ "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.

~~(422)~~ "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

~~(523)~~ "Lot Line, Street" means any lot line abutting on a street.

~~(624)~~ "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.

~~(I25)~~ Lot Size. See Lot Area.

~~(U26)~~ "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

~~(V27)~~ "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:

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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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. ~~Accessory dwelling units ADUs and junior accessory dwelling units 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). ~~Accessory dwelling units ADUs and junior accessory dwelling units 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 ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for each legal parcel. ~~An accessory dwelling unit ADU and/or a junior accessory dwelling unit JADU may also be permitted, subject to the limitations established in Chapter 20.458.~~ **in on properties with an accessory dwelling unit ADU and/or a junior accessory dwelling unit JADU**
- (H) **Room and Board.** The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, ~~except in on properties with an accessory dwelling unit ADU and/or a junior accessory dwelling unit 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 or 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 - ~~SECOND RESIDENTIAL~~ 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 ~~second residential units~~ **accessory dwelling units 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 ~~accessory dwelling units~~ **ADUs and JADUs** with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ~~accessory dwelling units~~ **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 ~~accessory dwelling units~~ **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:

Sec. 20.458.010 - Prohibition.

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or~~

residential clustering where such dwelling units are specifically provided for in other sections of this Division.

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

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

Any change to the cap on the number of ~~accessory dwelling units~~ **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) ~~accessory dwelling units~~ **ADUs shall may** be permitted. ~~JADUs are exempted from this cap.~~ When this number has been reached, a review shall be conducted to determine if ~~accessory dwelling units~~ **ADUs** are meeting the intent of providing additional affordable housing and whether additional ~~accessory dwelling units~~ **ADUs** can be accommodated. Any change to the maximum number of ~~accessory dwelling units~~ **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:

Sec. 20.458.015 – Findings.

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.

Section 20.458.015 - Permit.

~~Accessory dwelling units ADUs or junior accessory dwelling units JADUs~~ may be permitted in any zone that allows residential uses as a permitted or conditional use. ~~Accessory dwelling units ADUs or junior accessory dwelling units 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). ~~or (E).~~

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

Sec. 20.458.020 – Gualala Town Plan Second Residential Units.

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- (A) **Permit requirement.** ~~A standard Coastal Development Permit shall be required for all second residential units.~~
- (B) **Number of Second Residential Units.** ~~Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~
- (C) **Permitted locations for Second Residential Units.**
 - (1) ~~Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
 - (2) ~~Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
 - (3) ~~Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~

- (4) ~~Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~

~~(D) **Specific Standards for Second Residential Units.**~~

- (1) ~~All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
- (2) ~~On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second-story to a detached garage.~~
- (3) ~~Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- (4) ~~Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- (5) ~~Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- (6) ~~Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- (7) ~~Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~

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

~~Accessory dwelling units (ADUs) and junior accessory dwelling units (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 or for which a building permit has been issued for the 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, detached bedroom, guest cottage, 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 as a vacation home rental or by transient guests 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 ~~the pertinent restrictions and limitations for the ADU and/or JADU~~ (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, and which shall run with the land, and be binding upon any future owners, heirs, or assigns.
- ~~(3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.~~

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, or if there currently exists more than one guest cottage 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, ~~lot coverage~~, 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 ~~garage-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.~~

~~(EC)~~ 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.**

~~(3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.~~

~~(FD)~~ 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) **A-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 **and interior access to the remainder of the single-family dwelling shall be maintained.**

(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.
- ~~(D) ADUs are subject to the following floor area limitations:
 - (1) For a detached ADU, total floor space may not exceed 960 square foot.
 - (2) For an attached ADU, total floor space may not exceed 500 square foot.~~
- ~~(E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square foot.~~
- ~~(F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. 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 the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.~~

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, in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."
- (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, in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."
- (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) ~~An ADUs and JADUs~~ may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within ~~an existing 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 ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) ~~An ADUs and JADUs~~ may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within ~~an existing 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 ~~this these~~ requirements may be authorized through the ~~standard 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** ~~visible~~ 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 the ~~standard 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 ~~or standard~~ 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 **located within 150 setback no greater than 100** feet ~~of from the~~ existing **or proposed** legally-authorized **structures 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 ~~only not~~ be located on ~~non-prime soils 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 ~~this- these~~ requirements may be authorized through the administrative ~~or standard~~ 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 ~~timber 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 ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ 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 ~~Floodplain ("FP") Combining District,~~ Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District unless a report, prepared by, An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where a licensed engineer can demonstrate that the proposed development is consistent with the standards established in ~~Chapter 20.492,~~ 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 20.458.020050 - 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 **principal 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.
- ~~(E) When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.~~

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) ~~Accessory dwelling unit ADU~~: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) ~~Junior accessory dwelling unit 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 Permit ~~s~~ 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 ~~accessory dwelling units~~ 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.

(B) 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.

(C) 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.

(D) 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) ~~Junior accessory dwellings units located entirely within an existing legally authorized single-family residence which are consistent with the requirements of Chapter 20.458. ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.~~

~~Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.~~

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

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

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, wwithin 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 application shall be deemed to have been approved. 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: 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) **ApprovalAction.** The Coastal Permit Administrator ~~may~~ **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-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 approve 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 approved-acted on.

(56) 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;

(~~67~~) A brief description of the general procedure concerning the conduct of ~~hearing and~~ 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;

(~~78~~) 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 25: A new Section 20.536.~~004010~~ is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.~~004010~~- Coastal Development Ministerial Permits.

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

- (B) **Approval Action.** The Director or his/her designee ~~may approve~~ **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 ~~approve~~ **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 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.040015 - 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 20.536.404015(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: Section 20.536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.020025 - 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 20.536.004010.
- (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 20.536.004010, then the application shall thereafter be treated in the manner prescribed by Section 20.536.020025(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(B) 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 20.536.020025(C)(2) dealing with amendments to permits other than administrative permits.

(C) 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.~~040015~~.

Section 28: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.~~025030~~ - Renewal.

Section 20.536.~~030035~~ - Revocation or Modification by the County.

Section 20.536.~~035040~~ - Assignment of Permits.

Section 20.536.~~040045~~ - Reapplication.

Section 20.536.~~045050~~ - Nuisance.

Section 20.536.~~050055~~ - Notice to Assessor.

Section 20.536.~~055060~~ - Permits for Approval of Emergency Work.

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 ministerial coastal development ministerial permits for accessory dwelling units 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.~~040015~~.

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.

Resolution Number PC_2021-_____

County of Mendocino
Ukiah, California
October 7, 2021

GP_2018-0003/OA_2018-0009

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED AMENDMENTS TO THE MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT, CHAPTERS 3.2, 3.3, AND 3.9 AND MENDOCINO COUNTY CODE, CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, AND 20.544 RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program (LCP) to address the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) within the unincorporated areas of Mendocino County in the coastal zone; and

WHEREAS, the LCP amendment requires modifications to the Coastal Element of the Mendocino County General Plan and the Coastal Zoning Code (Mendocino County Code, Title 20, Division II); and

WHEREAS, the Mendocino County Planning Commission held a public hearing on July 18, 2019, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, voted to recommend that the Board of Supervisors authorize submittal of the LCP amendment to establish regulations for accessory dwelling units; and

WHEREAS, on November 5, 2019, the Board of Supervisors of Mendocino County held a public hearing and adopted Resolution No. 19-378, which authorized the County to submit a LCP amendment application (LCP-1-MEN-20-0021-1) to the California Coastal Commission, consisting of amendments to the Coastal Element of the Mendocino County General Plan, and said application was accepted for filing by the Coastal Commission on March 30, 2020; and

WHEREAS, on September 9, 2021, the California Coastal Commission took action to certify the County's proposed LCP amendment with the incorporation of "suggested modifications" as recommended by Coastal Commission staff; and

WHEREAS, pursuant to Gov't. Code Sections 65354 and 65855, the Planning Commission is to provide its report and recommendation to the Board of Supervisors on general plan and zoning amendments; and

WHEREAS, the LCP amendment with suggested modifications (the "Project") consists of an amendment to the Coastal Element of the Mendocino County General Plan (GP_2018-0003) which is attached to this Resolution as Exhibit A and incorporated herein by reference, and an amendment to the Mendocino County Code, Title 20, Division II (OA_2018-0009), which is attached to this Resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement the provisions of Gov't. Code Section 65852.1 or 65852.2 regulating the construction of dwelling units and accessory dwelling units; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 7, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the Project.

NOW, THEREFORE BE IT RESOLVED, based upon the evidence in the record, that the Planning Commission makes the following General Plan consistency findings:

1. The Housing Element of the General Plan contains the following policies related to Accessory Dwelling Units:
 - Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
 - Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
 - Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
 - Policy 3.2 - Promote the development of ADUs.
 - Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.
2. The proposed Project is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element.
3. The proposed Project aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of Planning and Building Services, 860 N. Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21087.17.

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record, hereby recommends that the Board of Supervisors approve the Local Coastal Program amendment with suggested modifications per the California Coastal Commission's certification action taken on September 9, 2021, by adopting a resolution amending Chapters 3.2, 3.3 and 3.9 of the Coastal Element of the General Plan and by adopting an 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.

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

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

IGNACIO GONZALEZ, Interim Director
Dept of Planning & Building Services

ALISON PERNELL, Chair
Mendocino County Planning
Commission

EXHIBIT A
COASTAL ELEMENT AMENDMENT (GP_2018-0003)

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] **as follows:**

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] **as follows:**

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] **as follows:**

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan

area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

EXHIBIT B
COASTAL ZONING CODE AMENDMENT (OA_2018-0009)

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472,
20.532, 20.536, and 20.544 OF TITLE 20, DIVISION II OF THE MENDOCINO
COUNTY CODE AMENDING DEFINITIONS AND REGULATIONS RELATED TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

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).
- ~~(GH)~~ "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).
- ~~(HI)~~ Accessory Structure. See Accessory Building.
- ~~(IJ)~~ "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- ~~(JK)~~ "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.
- ~~(KL)~~ "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.

- (~~LM~~) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (~~MN~~) "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.
- (~~NO~~) "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.
- (~~OP~~) "Animal Raising." See Light Agriculture.
- (~~PQ~~) "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.
- (~~QR~~) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (~~RS~~) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (~~ST~~) "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.
- (~~TU~~) "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.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII 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.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~XY~~) "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.

- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "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.
- (DE) "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.
- (EF) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "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.
- (GH) "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.
- (HI) "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).
- (AB) "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).

(A4) "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.

(B2) 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)).

(D3) "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.

(E4) "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.

(F5) Living Unit, Accessory. See Accessory Living Unit.

(G6) "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.

(H7) "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.

(I8) Lodging house. See Hotel.

(J9) "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.

(K40) "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.

(L44) "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.

(M42) "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.

(N43) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

(O44) "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

(P45) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

(Q46) "Lot, Interior" means a lot other than a corner lot.

(R47) "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.

(S48) "Lot Line" means any property line bounding a lot.

~~(149)~~ "Lot Line, Exterior" means a property line abutting a public or private road or street.

~~(220)~~ "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.

~~(324)~~ "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.

~~(422)~~ "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

~~(523)~~ "Lot Line, Street" means any lot line abutting on a street.

~~(624)~~ "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.

~~(T25)~~ Lot Size. See Lot Area.

~~(U26)~~ "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

~~(V27)~~ "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:

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 ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for 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 or 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 - ~~SECOND RESIDENTIAL~~ 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 ~~second residential units~~ 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:

~~Sec. 20.458.010 - Prohibition.~~

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.~~

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:

Sec. 20.458.015 – Findings.

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

~~The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.~~

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:

~~Sec. 20.458.020 – Gualala Town Plan Second Residential Units.~~

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- ~~(A) **Permit requirement.** A standard Coastal Development Permit shall be required for all second residential units.~~
- ~~(B) **Number of Second Residential Units.** Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~
- ~~(C) **Permitted locations for Second Residential Units.**~~
 - ~~(1) Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
 - ~~(2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
 - ~~(3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~
 - ~~(4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~
- ~~(D) **Specific Standards for Second Residential Units.**~~
 - ~~(1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
 - ~~(2) On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second story to a detached garage.~~

- ~~(3) Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- ~~(4) Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- ~~(5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- ~~(6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- ~~(7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~

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, or if there currently exists more than one guest cottage 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 the 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 feet 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 Permit 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.

~~(B)~~ **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.

~~(C)~~ **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.

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

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

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 application shall be deemed to have been approved.~~ 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: 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) **ApprovalAction.** The Coastal Permit Administrator ~~may~~ 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 approve 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;
 - (56) 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;
 - (67) A brief description of the general procedure concerning the conduct of ~~hearing and~~ 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;
 - (78) 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 25: 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 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.010015 - 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 20.536.404015(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: Section 20.536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.020025 - 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.

(B) 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 20.536.020025(C)(2) dealing with amendments to permits other than administrative permits.

(C) 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 20.536.040015.

Section 28: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.025030 - Renewal.

Section 20.536.030035 - Revocation or Modification by the County.

Section 20.536.035040 - Assignment of Permits.

Section 20.536.040045 - Reapplication.

Section 20.536.045050 - Nuisance.

Section 20.536.050055 - Notice to Assessor.

Section 20.536.055060 - Permits for Approval of Emergency Work.

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 20.536.040015.

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.

Mendocino County Planning Commission

LCP Amendment for Accessory Dwelling Units

GP 2018-0003 – Coastal Element of General Plan

OA 2018-0009 – Title 20, Division II, Coastal Zoning Code

Public Hearing: October 7, 2021



BACKGROUND

- July 18, 2019 – Planning Commission reviewed draft amendments to Local Coastal Program (LCP) to allow ADUs throughout the coastal zone
- November 5, 2019 – Board of Supervisors authorized submittal of LCP amendment application to California Coastal Commission
- March 16, 2020 – Coastal Commission certified LCP amendment with “suggested modifications”



PURPOSE OF PLANNING COMMISSION HEARING

Consider adoption of Resolution recommending that Mendocino County Board of Supervisors adopt LCP amendment comprised of General Plan amendment GP_2018-0003 and Coastal Zoning Code amendment OA_2018-0009 with revisions incorporating Coastal Commission's "suggested modifications"



OBJECTIVES OF LCP AMENDMENT

- Create opportunity for development of ADUs (and JADUs) in coastal zone to increase stock of affordable housing.
- To the extent feasible, mirror the County's inland ADU regulations.
- Protect coastal resources and satisfy Coastal Commission concerns while allowing for development of as many ADUs as possible.
- Establish as simple a permitting process as possible.
- Per State law, establish a Coastal Development Permit (CDP) process for ADUs that does not require a public hearing.



COASTAL ELEMENT AMENDMENT

COASTAL COMMISSION MODIFICATIONS:

- On agricultural and timber lands – ADUs must be clustered with primary residence or located within existing legally-authorized residential structure.
- Added reference to caps on number of ADUs (500 ADUs throughout coastal zone, plus 100 in Gualala Town Plan area)



COASTAL ZONING CODE AMENDMENT

COUNTY-REQUESTED MODIFICATIONS:

- Clarification/minor corrections
- Update for consistency with new ADU laws that took effect on January 1, 2020
 - modify efficiency kitchen definition
 - add language addressing multifamily dwellings
 - delete lot coverage limitations; modify size limitations
 - clarify that owner-occupancy requirement on parcels with JADU will take effect after January 1, 2025



COASTAL ZONING CODE AMENDMENT

SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Section 20.458.010: Require analysis of water and sewer capacity (in addition to State Route 1 capacity) prior to modification of 100 ADU cap in Gualala Town Plan area.
- Section 20.458.020(F)(1): On properties with an ADU or JADU, none of the dwelling units may be used for transient habitation.
- Section 20.458.045(C): Ministerially-approved ADUs in Highly Scenic Areas must be "permanently and entirely blocked from view."



COASTAL ZONING CODE AMENDMENT

SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Section 20.458.045(E): Detached ADUs on parcels with resource zoning (AG, RL, FL, TPZ) can be setback no more than 100 feet from the existing or proposed primary residence.
- Development associated with ADUs (wells, water storage, septic, parking, driveways, vegetation removal, etc.) must be clustered within “existing residential development footprint.”
- ADUs in "legally-authorized residential structure existing as of the effective date of the ordinance" are exempted from clustering requirement.



COASTAL ZONING CODE AMENDMENT

SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Sections 20.532.015(A) and 20.536.005: Administrative CDP process established for ADU applications that request exception(s) to the objective standards established in Section 20.458.045. No appeal to BOS; may be appealable to Coastal Commission.
- Section 20.532.055: Clarification added regarding the 60-day time period for acting on a ministerial or administrative CDP for an ADU and/or JADU including “Failure to act” language.



CHECKLIST REQUIREMENTS FOR MINISTERIAL CDP FOR ADUs:

- ✓ >100' from edge of an Environmentally Sensitive Habitat Area.
- ✓ >125' from edge of coastal bluff (except if within existing permitted structure).
- ✓ If in designated Highly Scenic Area, not visible from public road, trail, beach, park, waters used for recreational purposes.
- ✓ Less than 20 cubic yards of grading.
- ✓ Consistent with policies for protection of agricultural and timber resources.



OTHER ADU REQUIREMENTS

- ✓ No more than one other “accessory living unit” on parcel.
- ✓ Must conform to height limits, setbacks, parking requirements, and other development standards.
- ✓ Floor area limitations for detached ADU: 1,200 SF.
- ✓ Floor area limitations for attached ADU: 1,200 SF or no more than 50% of existing dwelling.



OTHER ADU REQUIREMENTS

- ✓ Division of Environmental Health sign-off on water and septic.
- ✓ CalFIRE and local Fire District preliminary clearance letter.
- ✓ Prohibited in special flood hazard areas.
- ✓ ADUs/JADUs prohibited on parcels west of SR 1 in Gualala Town Plan area (per existing Gualala Town Plan).
- ✓ VHRs prohibited on properties with an ADU and/or JADU.



PROCESS & TIMEFRAMES FOR LCP AMENDMENT

- Planning Commission hearing and review of Coastal Commission-approved amendment; recommendation to BOS – *October 2021*
- Board of Supervisors adoption of LCP Amendment (GP 2018-0003 and OA 2018-0009) – *November 2021*
- Coastal Commission “Executive Director check-off” confirming that final action of Board of Supervisors is consistent with Coastal Commission’s certification of LCP Amendment & report to Coastal Commission – *February 2022*



RECOMMENDED ACTION

Adopt resolution recommending that Board of Supervisors approve Local Coastal Program amendment comprised of General Plan amendment GP_2018-0003 and Coastal Zoning Code amendment OA_2018-0009 to establish regulations for ADUs and JADUs in the coastal zone of Mendocino County.



Mendocino County Board of Supervisors

LCP Amendment for Accessory Dwelling Units

GP 2018-0003 – Coastal Element of General Plan

OA 2018-0009 – Title 20, Division II, Coastal Zoning Code

Public Hearing: November 9, 2021



LOCAL COASTAL PROGRAM AMENDMENT – Accessory Dwelling Units

OBJECTIVES OF LCP AMENDMENT

- Create opportunity for development of ADUs and JADUs in coastal zone (outside of Town of Mendocino) to increase stock of affordable housing.
- To the extent feasible, mirror the County's inland ADU regulations.
- Protect coastal resources and satisfy Coastal Commission concerns while allowing for development of as many ADUs as possible.
- Establish as simple a permitting process as possible.
- Per State law, establish a Coastal Development Permit (CDP) process for ADUs that does not require a public hearing.



BACKGROUND

- November 5, 2019 – Board of Supervisors authorized submittal of LCP amendment application to California Coastal Commission (GP 2018-0003; OA 2018-0009)
- June 9, 2021 – Board of Supervisors reviewed Coastal Commission staff’s “suggested modifications” and provided direction to staff
- September 9, 2021 – Coastal Commission certified LCP amendment with suggested modifications
- October 7, 2021 – Planning Commission conducted public hearing and adopted resolution recommending that Board approve LCP amendment with two revisions



NO PUBLIC HEARINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS (CDPs) FOR ADUs

- Simple checklist review process for Ministerial CDP. Approved by Planning Director or their designee. Not appealable to BOS; may be appealable to Coastal Commission.
- Administrative CDP process with no public hearing for ADU applications that request exception(s) to the objective standards. Approved by Coastal Permit Administrator. Not appealable to BOS; may be appealable to Coastal Commission.



GENERAL ADU REQUIREMENTS

- ✓ 500-unit cap for ADUs outside of Gualala Town Plan area. 100-unit cap for ADUs within Gualala Town Plan area. No cap on JADUs.
- ✓ Blanket prohibition on Vacation Home Rentals on properties with an ADU and/or JADU.
- ✓ No more than one other “accessory living unit” permitted on a parcel, in addition to an ADU and a JADU.
- ✓ Floor area limitations for detached ADUs: 1,200 SF.
- ✓ Floor area limitations for attached ADUs: 1,200 SF or no more than 50% of existing dwelling.



OTHER ADU REQUIREMENTS

- ✓ Division of Environmental Health sign-off on water and septic.
- ✓ CalFIRE and local Fire District preliminary clearance letter.
- ✓ Prohibited in special flood hazard areas.
- ✓ ADUs/JADUs prohibited on parcels west of SR 1 in Gualala Town Plan area (per existing Gualala Town Plan).



COASTAL RESOURCE PROTECTION REQUIREMENTS FOR MINISTERIAL COASTAL DEVELOPMENT PERMITS:

- ✓ >100' from edge of Environmentally Sensitive Habitat Area.
- ✓ >125' from edge of coastal bluff (except if within existing permitted structure).
- ✓ If in designated Highly Scenic Area, must be “permanently and entirely blocked from view” from public road, trail, beach, park, waters used for recreational purposes.
- ✓ Less than 20 cubic yards of grading.
- ✓ Consistency with agricultural and timber resource protection policies.



REQUIREMENTS FOR ADUs ON AGRICULTURAL AND TIMBER LANDS:

- ADUs must be clustered with primary residence or located within existing “legally-authorized residential structure.”
- Detached ADUs on parcels with resource zoning (AG, RL, FL, TPZ) can be setback no more than 100 feet from the existing or proposed primary residence.
- Development associated with ADUs (wells, water storage, septic, parking, driveways, vegetation removal, etc.) must be clustered within “existing residential development footprint.”



PROCESS FOR LCP AMENDMENT

- BOS adopts General Plan amendment GP 2018-0003 – *November 9, 2021*
- BOS adopts Ordinance OA 2018-0009 – *November 9, 2021*
- Coastal Commission Executive Director confirms that final action of Board of Supervisors is consistent with Coastal Commission's certification of LCP Amendment & reports to Coastal Commission – *January 2022*
- LCP Amendment will become effective once the Executive Director's check-off is reported to the Coastal Commission – *February 2022*



RECOMMENDED ACTIONS

1. By motion, adopt resolution approving General Plan amendment GP_2018-0003
2. By motion, adopt Ordinance amending Mendocino County Coastal Zoning Code to implement OA_2019-0009 as recommended by Planning Commission with the exception of the recommended addition of “more than one” to Section 20.458.025(A)



Summary

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

This ordinance is amending Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 of Title 20, Division II of the Mendocino County Code (Coastal Zoning Code) to add and amend definitions and establish regulations to govern development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in the coastal zone of Mendocino County (outside of the Town of Mendocino). The amendments to the Coastal Zoning Code are necessary to address the requirements of recent State legislation. In the coastal zone, establishing regulations to allow accessory dwelling units requires a balancing of the State mandates for accessory dwelling units (per California Government Code §65852.2, et seq.) with the requirements for protection of coastal resources under the California Coastal Act.

Summary

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

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Ukiah Daily Journal

617 S. State St
Ukiah, California 95482
(707) 468-3500
sfullbright@ukiahdj.com

3510006

PLANNING & BUILDING OF MENDOCINO CO
501 LOW GAP RD
UKIAH, CA 95482

Mendocino County

OCT 28 2021

Planning & Building Services

Legal No. 0006618296

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

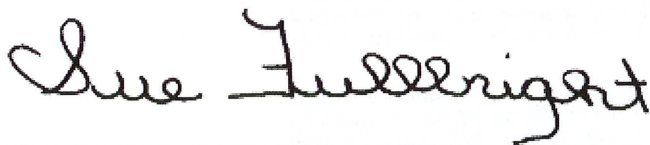
**STATE OF CALIFORNIA
COUNTY OF MENDOCINO**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Ukiah Daily Journal, a newspaper of general circulation, printed and published daily in the City of Ukiah, County of Mendocino and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, under the date of September 22, 1952, Case Number 9267; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/28/2021

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Ukiah, California,
October 28th, 2021



Sue Fullbright, LEGAL CLERK

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors, at its regular meeting on Tuesday, November 9, 2021, at 9:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the Local Coastal Program Amendment listed below. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

CASE#: OA_2018-0009/GP_2018-0003

DATE FILED: 12/31/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

REQUEST: Consider adoption of Local Coastal Program Amendment comprised of General Plan Amendment GP_2018-0003 amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9; and Ordinance Amendment OA- 2018-0009 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 for Accessory Dwelling Units in the Coastal Zone.

ENVIRONMENTAL DETERMINATION: Statutory Exemption pursuant to Public Resources Code section 21080.17

LOCATION: Within the unincorporated areas of Mendocino County located inside the Coastal Zone boundary (Mendocino County Code, Title 20, Division II), excluding the Town of Mendocino (Mendocino County Code, Title 20, Division III).

SUPERVISORIAL DISTRICT: 4 & 5

STAFF PLANNER: JULIA KROG

PLANNING COMMISSION RECOMMENDATION: The Planning Commission, at its October 7, 2021 meeting, adopted a resolution making a recommendation to the Board of Supervisors that it adopt GP_2018-0003 amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 and OA- 2018-0009 amending the Mendocino County Code, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 related to Accessory Dwelling Units, with modifications made at the meeting and as specified in their resolution.

The Planning Commission's resolution, draft ordinance, staff reports, notices and related materials will be available for public review 10 days prior to the scheduled hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/public-notices>.

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to bos@mendocinocounty.org, through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>. All written public comment will be made available to the Supervisors, staff, and the general public after processing by Clerk of the Board staff, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>.

For details and a complete list of the latest available options by which to engage with agenda items, please visit: <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Clerk of the Board of Supervisors or the Board of Supervisors at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Clerk of the Board of Supervisors at 707-463-4441, or the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the decision of the Board of Supervisors you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact Clerk of the Board of Supervisors at 707-463-4441 at

least five days prior to the meeting.

IGNACIO GONZALEZ, Interim Director of Planning & Building Services

Fort Bragg Advocate-News

690 S. Main Street
Fort Bragg, California 95437
707-964-5642

3510006

PLANNING & BUILDING OF MENDOCINO CO
501 LOW GAP RD
UKIAH, CA 95482

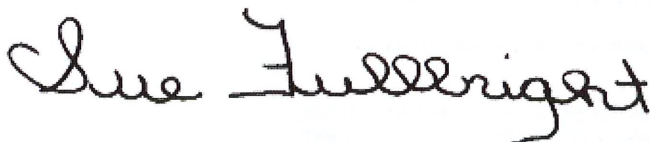
**PROOF OF PUBLICATION
(2015.5 C.C.P.)****STATE OF CALIFORNIA
COUNTY OF MENDOCINO**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the Office Clerk of the Fort Bragg Advocate-News, a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California under the date of May 9, 1952 - Case Number 9151, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been printed in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates:

10/28/2021

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Fort Bragg, California,
October 28th, 2021



Sue Fullbright, LEGAL CLERK

Mendocino County

OCT 28 2021

Planning & Building Services

Legal No. **0006618319**

NOTICE OF PUBLIC HEARING

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CASE#: OA_2018-0009/GP_2018-0003

DATE FILED: 12/31/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

REQUEST: Consider adoption of Local Coastal Program Amendment comprised of General Plan Amendment GP_2018-0003 amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9; and Ordinance Amendment OA_2018-0009 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 for Accessory Dwelling Units in the Coastal Zone.

ENVIRONMENTAL DETERMINATION: Statutory Exemption pursuant to Public Resources Code section 21080.17

LOCATION: Within the unincorporated areas of Mendocino County located inside the Coastal Zone boundary (Mendocino County Code, Title 20, Division II), excluding the Town of Mendocino (Mendocino County Code, Title 20, Division III).

SUPERVISORIAL DISTRICT: 4 & 5

STAFF PLANNER: JULIA KROG

PLANNING COMMISSION RECOMMENDATION: The Planning Commission, at its October 7, 2021 meeting, adopted a resolution making a recommendation to the Board of Supervisors that it adopt GP_2018-0003 amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 and OA_2018-0009 amending the Mendocino County Code, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 related to Accessory Dwelling Units, with modifications made at the meeting and as specified in their resolution.

The Planning Commission's resolution, draft ordinance, staff reports, notices and related materials will be available for public review 10 days prior to the scheduled hearing on the Department of Planning and Building Services website at: <https://www.w.mendocinocounty.org/government/planning-building-services/public-notices>.

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IGNACIO GONZALEZ, Interim Director of Planning & Building Services

Independent Coast Observer

P.O. Box 1200
Gualala, CA 95445

(707) 884-3501
(707) 884-1710 fax
www.mendonoma.com


Proof of Publication of NOTICE OF PUBLIC HEARING

I, the undersigned say:

That I am over the age of eighteen and am not a party to or interested in the above entitled matter of proceeding; and am, and at all times embraced in the publication herein mentioned, was the principal clerk of the editor and publisher of the INDEPENDENT COAST OBSERVER, a weekly newspaper printed, published and circulated in the County of Mendocino, and adjudged a newspaper of general circulation by the Superior Court of California, Proceeding #15294, that the above NOTICE OF PUBLIC HEARING of which is annexed a true printed copy, was printed in type not smaller than nonpareil and published in said newspaper on the following date(s), to wit: October 29, 2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed and dated at Gualala, California, this November 1, 2021

Signature 

(ICO Ad number 7820)

Mendocino County

NOV 01 2021

Planning & Building Services

Public Notice

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SUPERVISORIAL DISTRICT: 4 & 5

STAFF PLANNER: JULIA KROG

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IGNACIO GONZALEZ, Interim Director of Planning & Building Services

(7820) October 29, 2021



Mendocino County Board of Supervisors Agenda Summary

Item #: 5f)

Agenda Title:

Chief Executive Officer's Report
(Sponsor: Executive Office)

Recommended Action/Motion:

Accept the Chief Executive Officer's report.

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item Number:



Mendocino County Board of Supervisors Agenda Summary

Item #: 5g)

Agenda Title:

Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform
(Sponsor: Executive Office)

Recommended Action/Motion:

Provide direction to staff on matters of legislation.

Supplemental Information Available Online At:

<https://www.mendocinocounty.org/government/executive-office/legislative-program>

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item Number:



Mendocino County Board of Supervisors Agenda Summary

Item #: 6a)

To: Board of Supervisors

From: Supervisor Mulheren, Sheriff-Coroner and Probation

Meeting Date: November 9, 2021

Department Contact: Supervisor Mulheren

Phone: 707-463-4221

Department Contact: Sheriff Kendall

Phone: 707-463-4085

Department Contact: Chief Izen Locatelli

Phone: 707-463-4085

Item Type: Regular Agenda

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Including Presentation about the Restorative Justice Program at the Mendocino County Jail

(Sponsors: Supervisor Mulheren, Sheriff-Coroner and Probation)

Recommended Action/Motion:

Accept presentation and provide direction to staff.

Previous Board/Board Committee Actions:

The Board of Supervisors regularly receives presentations about ongoing programs within the Mendocino County Jail.

Summary of Request:

The Mendocino County Jail has launched a pilot project to provide incarcerated individuals with a better foot forward. By using a collaborative approach between the jail, Probation and community partners the Restorative Justice Program offers a chance for the incarcerated individuals to heal their wounds and gain skills for a better future. They address three key areas to ensure the success of our participants. They call these three areas Head, Heart and Hands. The presentation will outline the current program and the hope for the future.

Receive the presentation and provide direction

Alternative Action/Motion:

N/A

Does This Item Support the General Plan? Yes

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Item #: 6a)

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

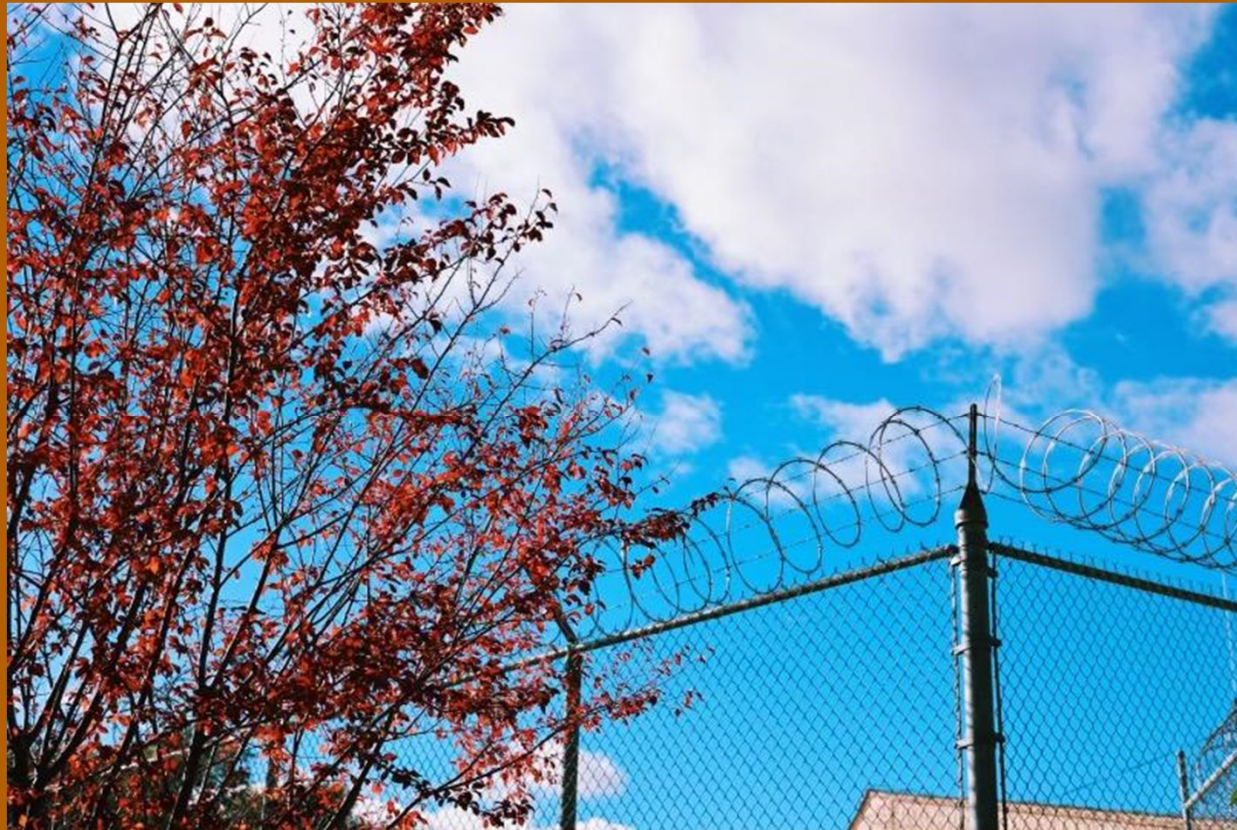
Final Status:Item Status

Executed Item Type: item **Number:**

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered to Auditor?** Choose an item.

Restorative Justice Program



At the Mendocino
County Jail



Why Restorative Justice?

Using the Human Ecology Model, we want to shift the internal culture of corrections from Retributive to Restorative.



Human Ecology Model

— Instead of using the time in jail to punish and deprive, we will use the time to build the human ecology of the incarcerated individual. Much like building soil to make strong and healthy plants.

When we deprive soil of nutrients, we end up with depleted soil that is vulnerable to erosion and disease. Plants struggle to grow.

When we add nutrients to the soil, we create an environment for new life to thrive.



Why do this for incarcerated people?

When we offer people a chance to heal, learn coping skills, gain an education and thrive, we create a safer community.

What happens in the jail affects our community as a whole because people are cycling in and out between the jail and community.

An unhealthy environment inside the jail has a negative effect on the community.



The Restorative Justice Program

We know that people return to what they know when they have no options, and when they have not yet begun to heal from trauma.

The Restorative Justice Program aims to offer a chance for incarcerated people to heal their wounds and gain skills for a better future.

We address three key areas to ensure the success of our participants.

We call these three areas Head, Heart and Hands.

Opportunities for Restoration

Head

High School Completion

Both Academic and Trades
College Courses

Heart

Domestic Violence Groups

Parenting Classes

Anger Management Programming

Mindfulness and Yoga

SUD Counseling

Therapy

Hands

Developing real world trade
skills that lead to jobs.

Career and Technical
Education

Gardening and Agriculture

Culinary Program

High School Completion Program

Students are able to complete their high school education during their time at the Mendocino County Jail through our partnership with Ukiah Adult School



College Program

Students can choose from a variety of both online and in person college courses to begin their college career while incarcerated.



Addictions Counseling

We partner with local agencies to provide evidence based addictions counseling to our participants



Innovative Trauma Counseling

Participants receive a variety of
therapeutic modalities including
Narrative Therapy, Animal
Therapy and



Meditation and Yoga

Inmates learn to reduce their stress and learn new coping strategies in preparation for the world outside.



Anger Management

Inmates learn coping skills to
manage anger and heal from
PTSD.



Parenting Workshops

Inmates learn about child development and how to break cycles: creating nurturing relationships with their children.



Farm Program

Inmates grow food and care for bees (chickens are next!) through our partnership with Unconditional Freedom Project



Kitchen Program

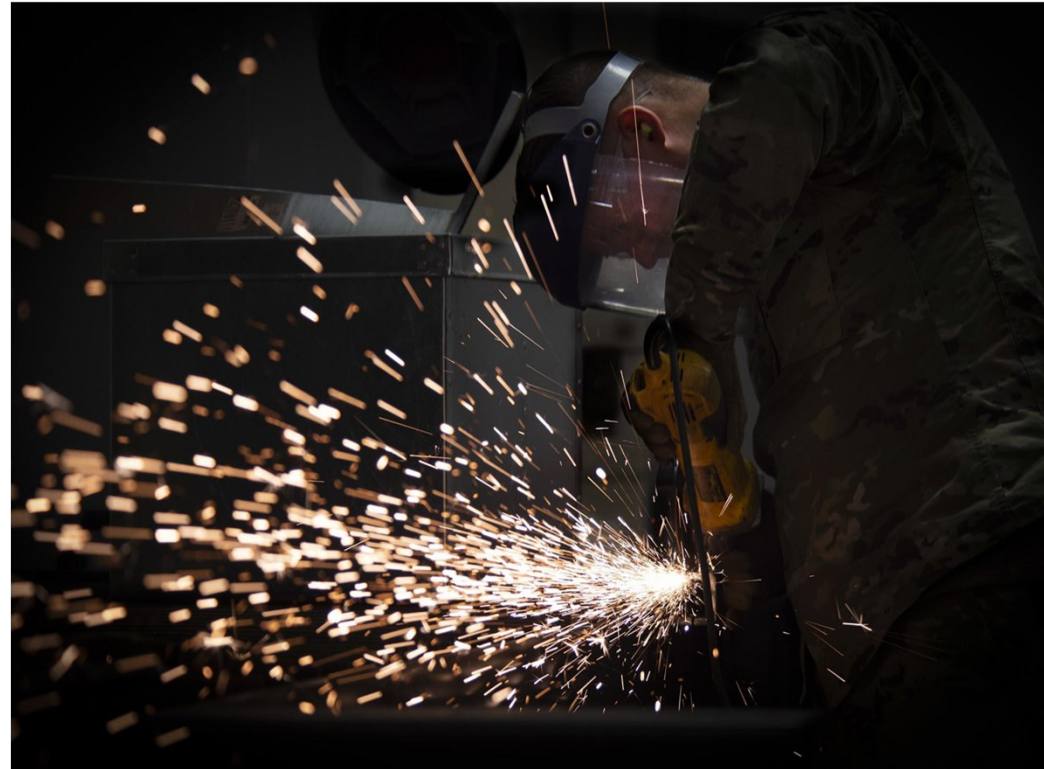
Participants will cook with the food they have grown themselves.

We hope to develop a partnership with Mendocino College to offer Culinary certificates in the future.



Construction and Solar Technology Program

Participants will earn Sustainable
Construction and Solar
Technology Certificates in
partnership with Mendocino
College



Reentry Support

Our team will work with each participant to create a unique plan for housing support, job development, and case management to provide ongoing supports after release.



A strengthened collaboration with Probation

Probation has begun assessing inmate's criminogenic needs while in custody.

Starting relationships with probation while in custody familiarizes participants with their probation officer's expectations.

Beginning Probation programming pre-release through GEO Group

Embedding a probation officer in the jail

Collaborative Restorative Plans

Restorative Plans are individualized case plans that span from in-custody activities into discharge planning, creating a seamless continuum of care.

Next Steps

Case Management

Housing navigation

Eligibility Specialist

Job placement specialist



“A judge’s job
is to punish. A
jail’s job is to
create better
neighbors”

-Dr. Stefano
Bertozzi

Questions?





Mendocino County Board of Supervisors Agenda Summary

Item #: 6b)

To: Board of Supervisors

From: Supervisor Haschak and Supervisor McGourty

Meeting Date: November 9, 2021

Department Contact: Glenn McGourty

Phone: 707-463-4221

Department Contact: John Haschak

Phone: 707-463-4221

Item Type: Regular Agenda

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Including Acceptance of Update from the Drought Task Force Ad Hoc Committee and Direction to Staff Regarding Contracting with Larry Walker Associates for Grant Writing Services for the Urban and Multi-Benefit Drought Relief Grant Program (Countywide)
(Sponsors: Drought Task Force Ad Hoc Committee of Supervisors McGourty and Haschak)

Recommended Action/Motion:

Accept update from the Drought Task Force Ad Hoc Committee; and provide direction to staff regarding contracting with Larry Walker Associates for grant writing services for the Urban and Multi-Benefit Drought Relief Grant Program (Countywide).

Previous Board/Board Committee Actions:

On October 19, 2021, the Board of Supervisors directed staff to enter into an agreement, in the amount of up to \$25,000, with Larry Walker Associates for grant writing services for the Urban and Multi-Benefit Drought Relief Grant Program.

Summary of Request:

The Drought Task Force Ad Hoc Committee will provide an update to the Board of Supervisors (BOS). Additionally, pursuant to direction from the BOS at their meeting on October 19, 2021, County staff have met with Larry Walker Associates to discuss and begin to develop a scope of work for grant writing services for the Urban and Multi-Benefit Drought Relief Grant Program. Further discussion and direction is needed from the BOS in regards to the scope of the County's grant proposal.

Alternative Action/Motion:

Do not discuss issue or give direction to staff.

How Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Item #: 6b)

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:



Mendocino County Board of Supervisors

Agenda Summary

Item #: 6c)

Agenda Title:

Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.



Mendocino County Board of Supervisors Agenda Summary

Item #: 8a)

To: Board of Supervisors

From: Social Services

Meeting Date: November 9, 2021

Department Contact: Bekkie Emery

Phone: 707-463-4441

Department Contact: **Phone:**

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Proclamation Recognizing November 11, 2021, as Veterans Appreciation Day in Mendocino County to Honor Our Veterans

Recommended Action/Motion:

Adopt the proclamation recognizing November 11, 2021, as Veterans Appreciation Day in Mendocino County and authorize the Chair to sign same.

Previous Board/Board Committee Actions:

November 3rd, 2020. Item 4c, Adoption of Proclamation

Summary of Request:

November 11, 2021, is nationally recognized as Veterans Day, an opportunity for us to recognize and show our appreciation, gratitude, and respect for the contributions and sacrifices veterans and their families have made for our Country. In honor of this holiday, the Mendocino County Social Services, Adult and Aging Services, Veterans Service Office is requesting that the Mendocino County Board of Supervisors proclaim November 11, 2021, as Veterans Appreciation Day in Mendocino County.

The Mendocino County Veterans Services Office (MCVSO) filed 1,398 compensation and pension claims in 2020, bringing in \$4,401,094 in federal monies. Veterans Benefits which were awarded went directly to the veterans, helping to support our local economy. The MCVSO also received a onetime \$10,000 grant under proposition 63, which allowed a contract to be established with a local psychologist to provide mental health services to veterans in the Mendocino County Coastal Area. Services provided under the contract included 28 assessment sessions, 1 Case management session, and 30 Therapeutic Recreation sessions, leading to a total of \$24,731 in federal monies being awarded to participating veterans.

Alternative Action/Motion:

Return to staff for alternative handling.

How Does This Item Support the General Plan? The proclamation will support the general plans to collaborate with local communities, agencies and organizations to promote all aspects of wellness in the county's populations.

Item #: 8a)

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification:

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: No

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Darcie Antle, Assistant CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered**

to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item **Number:**

PROCLAMATION
OF THE
MENDOCINO COUNTY BOARD OF SUPERVISORS
RECOGNIZING NOVEMBER 11, 2021 AS
VETERANS APPRECIATION DAY IN MENDOCINO COUNTY

WHEREAS, tens of millions of Americans have served in the Armed Forces of the United States during the past century; and

WHEREAS, hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century; and

WHEREAS, our veterans are brave and selfless individuals who, when called to duty, willingly put themselves in harm's way to defend the lives and liberty of others; and

WHEREAS, their contributions and sacrifices have been vital in maintaining the freedoms and way of life enjoyed by Americans; and

WHEREAS, Veterans Day was established in 1954 by Congress to honor all who had fought in various American wars and for citizens to observe the day by remembering the sacrifices of all those who fought so courageously to promote an enduring peace; and

WHEREAS, there are approximately six thousand veterans in Mendocino County who have served in the Armed Forces; and

WHEREAS, the American Legion and the Veterans of Foreign Wars have, since the 1930's, contributed to our communities by supporting youth groups, providing honors at burials of veterans, and teaching our young people about our country;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims November 11, 2021, as:

"VETERANS APPRECIATION DAY IN MENDOCINO COUNTY"

A time dedicated for the people of Mendocino County to show their appreciation, gratitude and respect for veterans and their families.

Dated: November 9, 2021

Dan Gjerde, Chair



Mendocino County Board of Supervisors Agenda Summary

Item #: 9a)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Item Type: Closed Session

Time Allocated for Item: 15 min.

Agenda Title:

Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator - Agency Negotiators: Carmel J. Angelo and Cherie Johnson; Employee Organization(s): All

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.



Mendocino County Board of Supervisors Agenda Summary

Item #: 9b)

To: Board of Supervisors

From: County Counsel

Meeting Date: November 9, 2021

Item Type: Closed Session

Time Allocated for Item: 15 min.

Agenda Title:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: One Case - County of Mendocino, et al. v. Amerisourcebergen Drug Corporation, et al. - Case No. 1:18-cv-02712

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.



Mendocino County Board of Supervisors Agenda Summary

Item #: 9c)

To: Board of Supervisors

From: Executive Office

Meeting Date: November 9, 2021

Item Type: Closed Session

Time Allocated for Item: 45 min.

Agenda Title:

Pursuant to Government Code 54957 - Threat to Public Services or Facilities - Consultation with Heather Correll Rose

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.



Mendocino County Board of Supervisors Agenda Summary

Item #: 10a)

To: Board of Supervisors

From: Executive Office

Agenda Title:

Communications Received and Filed



Mendocino County Board of Supervisors Agenda Summary

Item #: 4a)

To: Board of Supervisors

From: Executive Office

Meeting Date: November 9, 2021

Department Contact: Carmel J. Angelo

Phone: 463-4441

Department Contact: Atlas Pearson

Phone: 463-4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of Minutes of October 19, 2021 Regular Meeting

Recommended Action/Motion:

Approve minutes of the October 19, 2021 regular meeting.

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

GLENN MCGOURTY
1st District
Supervisor

MAUREEN
MULHEREN
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor
Chair

TED WILLIAMS
5th District
Supervisor
Vice-Chair



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

CHRISTIAN M. CURTIS
County Counsel

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@mendocinocounty.org

MENDOCINO COUNTY BOARD OF SUPERVISORS ACTION MINUTES – October 19, 2021

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:00 A.M.)

Present: Supervisor Glenn McGourty, Supervisor Maureen Mulheren, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams. Chair Gjerde presiding.

Staff Present: Darcie Antle, Assistant Chief Executive Officer; Christian M. Curtis, County Counsel; Atlas M.A. Pearson, Deputy Clerk of the Board; Deena Gera, Deputy Clerk of the Board; and Anthony Baroza, Staff Assistant.

The Pledge of Allegiance was led by: Chair Gjerde.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Travis Killmer; Jessica Harness; Monique Ramirez; Hannah Nelson; Michael Katz; and Corinne Powell.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Gjerde.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that Consent Calendar items 4a) – 4w) are hereby approved as follows. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

Abstain: 0 – None

4A) APPROVAL OF MINUTES OF SEPTEMBER 27, 2021 LIMITED MEETING

Approved;

4B) APPROVAL OF MINUTES OF SEPTEMBER 28, 2021 REGULAR MEETING

Approved;

4C) APPROVAL OF MINUTES OF OCTOBER 5, 2021 SPECIAL MEETING

Approved;

4D) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

1. Susan Baird Kanaan, Community Representative, Health and Human Services Agency Advisory Board;
2. Ian Roth, Member, Mendocino Historical Review Board;
3. Baile Oakes, Member, Westport Municipal Advisory Council; and
4. Michaela Barlow, Public Agency Representative, Child Care Planning Council.

4E) ADOPTION OF PROCLAMATION RECOGNIZING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES' DAY IN MENDOCINO COUNTY - SPONSOR: SUPERVISOR MULHEREN

Adopted and Chair is authorized to sign same;

4F) ADOPTION OF PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH – SPONSOR: SUPERVISOR MULHEREN

Adopted and Chair is authorized to sign same;

4G) ADOPTION OF RESOLUTION DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE HOPKINS FIRE AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES AND RATIFYING THE EXISTENCE OF A LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-147

RESOLUTION NO. 21-147

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE HOPKINS FIRE AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES AND REAFFIRMING THE EXISTENCE OF A LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER

4H) APPROVAL OF AGREEMENT WITH REGIONAL GOVERNMENT SERVICES JOINT POWERS ASSOCIATION AUTHORITY TO ENTER INTO AN ASSOCIATE MEMBERSHIP FOR THE PURPOSE OF JOINING THE REGIONAL GOVERNMENT SERVICES AUTHORITY MUNICIPAL DENTAL POOL FOR ADMINISTRATION OF EMPLOYEE DENTAL BENEFITS IN THE ESTIMATED AMOUNT OF \$840,000 ANNUALLY, EFFECTIVE WHEN AGREEMENT IS FULLY EXECUTED, THROUGH DECEMBER 31, 2023 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-178

4I) APPROVAL OF SECOND AMENDMENT TO BOARD OF SUPERVISORS AGREEMENT NO. 16-106 WITH CATALIZE HEALTH IN THE AMOUNT OF \$369,000 FOR A TOTAL AGREEMENT AMOUNT OF \$673,000 TO CONTINUE TO PROVIDE COMPLETE CARE, A MEDICAL EXPENSE REIMBURSEMENT PROGRAM, TO ELIGIBLE EMPLOYEES AND THEIR DEPENDENTS, THROUGH DECEMBER 31, 2024 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-106-A2

4J) APPROVAL OF RETROACTIVE AGREEMENT WITH MENDOCINO COUNTY FIRE SAFE COUNCIL IN THE AMOUNT OF \$600,000 (\$120,000 PER YEAR FOR FIVE FISCAL YEARS) OF ONE-TIME PACIFIC GAS AND ELECTRIC (PG&E) DISASTER SETTLEMENT FUNDS FOR FIRE SAFE COUNCIL OPERATIONAL SERVICES, EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2026 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-179

4K) APPROVAL OF RETROACTIVE AGREEMENT WITH GRANICUS LLC, IN THE AMOUNT OF \$29,250 FOR A NEW TOTAL OF \$58,500 FOR LIVE CLOSED CAPTION SERVICES DURING BOARD OF SUPERVISORS MEETINGS, EFFECTIVE JULY 31, 2021 THROUGH A NEW END DATE OF AUGUST 5, 2022 (ORIGINAL END DATE JULY 30, 2021) - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-180

4L) APPROVAL OF COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA) IN THE AMOUNT OF \$64,000 TO PROVIDE GORSE REMOVAL FROM THE CASPER COMMUNITY, FOR THE PERIOD OF JANUARY 15, 2021 THROUGH JUNE 30, 2023 - SPONSOR: AGRICULTURE

Approved and Chair is authorized to sign same;

Enactment No: Interim Agreement *21-181

4M) APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH HARWOOD MEMORIAL PARK, INC. IN THE AMOUNT OF \$16,000 ANNUALLY, EFFECTIVE UPON DATE OF EXECUTION OF AGREEMENT, FOR THE USE OF 44960 N. HWY 101, UNIT 4 IN LAYTONVILLE FOR A NEW LIBRARY SITE – SPONSOR: CULTURAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-182

4N) AUTHORIZATION FOR THE MENDOCINO COUNTY LIBRARY BRANCHES TO CLOSE ON TUESDAYS WHEN COUNTY HOLIDAYS FALL ON MONDAYS TO ALLOW LIBRARY STAFF TO OBSERVE HOLIDAYS AND TO SAVE THE DEPARTMENT UP TO \$50,000 ANNUALLY – SPONSOR: CULTURAL SERVICES AGENCY

Approved;

4O) APPROVAL OF PURCHASE OF TRUNARC HANDHELD NARCOTICS ANALYZER IN THE AMOUNT OF \$27,352.67 WITH FUNDS FROM THE DISTRICT ATTORNEY ASSET FORFEITURE FUND ACCOUNT; APPROVE TRANSFER OF \$27,352.67 FROM DA ASSET FORFEITURE FUND 2110-760220 TO DA 86-4370 EQUIPMENT; AND ADDITION OF ITEM TO COUNTY'S LIST OF FIXED ASSETS – SPONSOR: DISTRICT ATTORNEY

Approved;

4P) ADOPTION OF RESOLUTION AMENDING THE POSITION ALLOCATION TABLE AS FOLLOWS: BUDGET UNIT 0327 - ADD 1.0 FTE STAFF ASSISTANT III; DELETE 1.0 FTE STAFF ASSISTANT II – SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-148

RESOLUTION NO. 21-148

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

4Q) ADOPTION OF RESOLUTION AMENDING THE POSITION ALLOCATION TABLE AS FOLLOWS: BUDGET UNIT 4050 - DELETE 1.0 FTE ASSISTANT HEALTH AND HUMAN SERVICES AGENCY DIRECTOR; ADD 1.0 FTE DIRECTOR OF BEHAVIORAL HEALTH – SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-149

RESOLUTION NO. 21-149

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

4R) APPROVAL OF AMENDMENT TO BOS AGREEMENT 20-169, BETWEEN LAND LOGISTICS AND MENDOCINO COUNTY, TO INCREASE THE AMOUNT BY \$322,500.00 (FOR A NEW TOTAL NOT TO EXCEED \$537,500.00) AND EXTEND THE TERMINATION DATE OF THE AGREEMENT TO JUNE 30, 2023 TO CONTINUE TO PROVIDE DISASTER RECOVERY (DR) ASSISTANCE, SPECIAL PLANNING PROJECT MANAGEMENT AND INTERIM DIRECTOR SERVICES FOR PLANNING AND BUILDING SERVICES (PBS) – SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 20-169-A1

4S) APPROVAL OF RETROACTIVE AGREEMENT WITH REDWOOD COMMUNITY SERVICES, INC., IN THE AMOUNT OF \$50,000 TO PROVIDE MEAL DELIVERY SERVICES, MEDICATION PICKUP AND DELIVERY, TRASH DISPOSAL, AND TRANSPORTATION SUPPORT DURING THE COVID-19 PANDEMIC, EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2022 – SPONSOR: PUBLIC HEALTH

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-183

4T) APPROVAL OF RETROACTIVE AMENDMENT TO AGREEMENT 21-068 WITH NORTH COAST OPPORTUNITIES, INC. IN THE AMOUNT OF \$10,000, FOR A NEW TOTAL OF \$35,000, TO CONTINUE TO PROVIDE MEAL AND PERSONAL HYGIENE SUPPLIES INCLUDING DELIVERY SERVICES DURING THE COVID-19 PANDEMIC, EFFECTIVE JANUARY 1, 2021 THROUGH A NEW END DATE OF JUNE 30, 2022 (ORIGINAL END DATE: JUNE 30, 2021) – SPONSOR: PUBLIC HEALTH

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-068-A1

4U) APPROVAL OF RETROACTIVE REVENUE AGREEMENT WITH THE SALMON RESTORATION ASSOCIATION OF CALIFORNIA IN THE AMOUNT OF \$1,600 OR GREATER DEPENDING ON THE OUTCOME OF THE EVENT TO PROVIDE LAW ENFORCEMENT SERVICES AT THE 50TH ANNUAL WORLD'S LARGEST SALMON BARBECUE FOR THE PERIOD OF JULY 2, 2021 THROUGH JULY 4, 2021 – SPONSOR: SHERIFF-CORONER

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-184

4V) ADOPTION OF RESOLUTION AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES (DSS) TO ENTER INTO RETROACTIVE AGREEMENT NO. 21-5026 WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES IN THE AMOUNT OF \$0 TO PROVIDE DSS FAMILY & CHILDREN'S SERVICES WITH LEGAL CONSULTATION AND LEGAL REPRESENTATION IN ADMINISTRATIVE ACTION APPEALS ASSOCIATED WITH THE RESOURCE FAMILY APPROVAL PROGRAM FOR THE TERM JULY 1, 2021 THROUGH JUNE 30, 2024 – SPONSOR: SOCIAL SERVICES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-150; Interim Agreement *21-185

RESOLUTION NO. 21-150

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING APPROVAL FOR THE DEPARTMENT OF SOCIAL SERVICES TO ENTER INTO AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS); AGREEMENT 21-5026

4W) APPROVAL OF RETROACTIVE AGREEMENT WITH NORTH COAST OPPORTUNITIES, INC. IN THE AMOUNT OF \$297,000 TO PROVIDE FISCAL AND ADMINISTRATIVE SUPPORT FOR PROJECT ROOMKEY SERVED HOUSEHOLDS EXPERIENCING HOMELESSNESS DURING THE COVID-19 PANDEMIC THROUGH EFFICIENT DISTRIBUTION OF FUNDS FOR HOUSING BARRIER REMOVAL IN AN EFFORT TO EXIT PARTICIPANTS TO SAFE AND STABLE HOUSING, EFFECTIVE OCTOBER 1, 2021, THROUGH JUNE 30, 2022 – SPONSOR: SOCIAL SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-186

5A) DISCUSSION AND POSSIBLE ACTION INCLUDING AN UPDATE ASSOCIATED WITH THE NOVEL CORONAVIRUS (COVID-19); AND PROVIDE POSSIBLE DIRECTION REGARDING ESSENTIAL SERVICES IN MENDOCINO COUNTY, OPERATIONAL PREPARATION AND RESPONSE, AND ASSOCIATED COUNTYWIDE ECONOMIC IMPACTS – SPONSOR: PUBLIC HEALTH

Presenter/s: Dr. Andrew Coren, Health Officer.

Public Comment: Carrie Shattuck.

Board Action: No Action Taken.

5C) DISCUSSION AND POSSIBLE ACTION TO WAIVE BOARDS AND COMMISSIONS RESIDENCY AND VOTER REGISTRATION REQUIREMENT AND APPOINT MELISSA NOLE AS A PUBLIC AGENCY REPRESENTATIVE TO THE CHILD CARE PLANNING COUNCIL – SPONSOR: SOCIAL SERVICES

Presenter/s: Bekkie Emery, Director, Social Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor McGourty, IT IS ORDERED that the Board of Supervisors Waives Mendocino County residency and voter registration requirement for appointments to Boards and Commissions; and appoints Melissa Nole as a Public Agency Representative to the Child Care Planning Council. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

5D) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF PRESENTATION OF THE MENDOCINO COUNTY CALIFORNIA JUVENILE JUSTICE REALIGNMENT BLOCK GRANT ANNUAL PLAN FY2021-22 – SPONSOR: PROBATION

Presenter/s: Izen Locatelli, Chief Probation Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors Recognizes Chief Locatelli for his dedication and thoroughness; Accepts presentation of the Mendocino County California Juvenile Justice Realignment Block Grant Annual Plan FY2021-22; and directs the Executive Office to more deeply collaborate with the Chief Probation Officer toward innovation. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

BOARD RECESS: 10:44 A.M. – 11:00 A.M.

6A) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF PRESENTATION FROM ECONOMIC DEVELOPMENT FINANCING CORPORATION (EDFC) – SPONSORS: SUPERVISORS WILLIAMS AND MULHEREN

Presenter/s: Supervisor Mulheren; Supervisor Williams; and Robert Gernert, Economic Development and Financing Corporation (EDFC).

Public Comment: Ron Edwards.

Board Action: No Action Taken.

5E) DISCUSSION AND POSSIBLE ACTION INCLUDING PRESENTATION BY WEST BUSINESS DEVELOPMENT CENTER (BDC) REGARDING ECONOMIC DEVELOPMENT IN MENDOCINO COUNTY AND THEIR REQUEST TO ACT ON BEHALF OF MENDOCINO COUNTY TO IMPLEMENT A COMPREHENSIVE ECONOMIC DEVELOPMENT PROGRAM OVER A THREE-YEAR PERIOD – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Adrienne Thompson, Administrative Services Manager, Planning and Building Services; Mary Anne Petrillo, West Company; Jim Mayfield, Rainbow Ag; Nash Gonzalez, Interim Director, Planning and Building Services; and Julia Krog, Assistant Director, Planning and Building Services.

Public Comment: Ron Edwards; Michael Katz; Keith Taylor; and John Bailey.

SUPERVISOR MCGOURTY WAS BRIEFLY DISCONNECTED FROM THE MEETING, DUE TO A POWER OUTAGE. HE RETURNED 5 MINUTES LATER.

THIS ITEM WAS DIRECTED TO RETURN IN THE AFTERNOON, AFTER THE CLOSED SESSION WORKING LUNCH

ADJOURNED TO CLOSED SESSION: 12:07 P.M

9A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, CHERIE JOHNSON AND WILLIAM SCHURTZ; EMPLOYEE ORGANIZATION(S): ALL**9B) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - WILLITS ENVIRONMENTAL CENTER V. THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO - CASE NO. 21CV00474****9C) PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT - CANNABIS PROGRAM DIRECTOR****9D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - HARINDER GREWAL V. MENDOCINO COUNTY - CASE NO. SCUK-CVPO-2020-73798**

RECONVENED IN OPEN SESSION: 2:45 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Gjerde.

Board Action: With respect to Agenda Item 9a), no action was taken. With respect to Agenda Items 9b) and 9d), direction was given to staff. With respect to Agenda Items 9c), the Board of Supervisors unanimously voted to appoint Kristin Nevedal as the Cannabis Program Director.

*THE BOARD OF SUPERVISORS RETURNED TO ITEM 5E***5E) DISCUSSION AND POSSIBLE ACTION INCLUDING PRESENTATION BY WEST BUSINESS DEVELOPMENT CENTER (BDC) REGARDING ECONOMIC DEVELOPMENT IN MENDOCINO COUNTY AND THEIR REQUEST TO ACT ON BEHALF OF MENDOCINO COUNTY TO IMPLEMENT A COMPREHENSIVE ECONOMIC DEVELOPMENT PROGRAM OVER A THREE-YEAR PERIOD – SPONSOR: PLANNING AND BUILDING SERVICES**

Presenter/s: Adrienne Thompson, Administrative Services Manager, Planning and Building Services; Mary Anne Petrillo, West Company; Jim Mayfield, Rainbow Ag; Nash Gonzalez, Interim Director, Planning and Building Services; and Julia Krog, Assistant Director, Planning and Building Services.

Public Comment: Ron Edwards; Michael Katz; Keith Taylor; and John Bailey.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor McGourty, IT IS ORDERED that the Board of Supervisors Directs the Executive Office to work out a 1 year contract in the amount of \$175,000 with West Company to implement this Economic Development Program, using end of the year funds, and report back within 3 months about the progress with specific focus on grant writing for state and federal funds, and to clarify staff resources and limits within the grant applications; and makes West Company Mendocino County's Economic Development liaison. The motion carried by the following vote:

Aye: 3 – Supervisor McGourty, Supervisor Haschak, and Supervisor Gjerde

No: 2 – Supervisor Mulheren and Supervisor Haschak.

Absent: 0 – None

5F) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF RETROACTIVE AGREEMENT WITH REDWOOD COMMUNITY SERVICES, INC. IN THE AMOUNT OF \$251,711.14, TO PROVIDE IMMEDIATE PLACEMENT SERVICES FOR HIGH NEEDS CHILDREN AND EMERGENCY SUPPORT SERVICES FOR CHILDREN DETAINED BY SOCIAL SERVICES, FAMILY AND CHILDREN'S SERVICES, EFFECTIVE JULY 1, 2020, THROUGH JUNE 30, 2021 – SPONSOR: SOCIAL SERVICES

Presenter/s: Bekkie Emery, Director, Social Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors approves retroactive Agreement with Redwood Community Services, Inc. in the amount of \$251,711.14, to provide immediate placement services for high needs children and emergency support services for children detained by Social Services, Family & Children's Services, effective July 1, 2020, through June 30, 2021; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

6B) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF UPDATE FROM THE DROUGHT TASK FORCE AD HOC COMMITTEE – SPONSORS: DROUGHT AD HOC COMMITTEE OF SUPERVISORS MCGOURTY AND HASCHAK

Presenter/s: Supervisor McGourty; Supervisor Haschak; and Howard Dashiell.

Public Comment: None.

Board Directive: GENERAL CONSENSUS OF THE BOARD to Direct staff to redirect savings from the water hauling project to provide for professional services as recommended by the Drought Ad Hoc committee.

BOARD RECESS: 4:24 P.M. – 4:30 P.M.

5G) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF A RESOLUTION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS FOR THE REPLACEMENT OF BRIDGE NUMBER 10C-0146 ON LAMBERT LANE, COUNTY ROAD 123A, MILEPOST 0.10, OVER ROBINSON CREEK (BOONVILLE AREA) – SPONSOR: TRANSPORTATION

Presenter/s: Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors Adopts Resolution adopting an Initial Study/Mitigated Negative Declaration in compliance with California Environmental Quality Act requirements for the replacement of Bridge Number 10C-0146 on Lambert Lane, County Road 123A, Milepost 0.10, over Robinson Creek (Boonville Area); and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

5H) DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION AMENDING THE POSITION ALLOCATION TABLE AS FOLLOWS: SHERIFF'S OFFICE BUDGET UNIT 2310 - ADD 1.0 FTE NETWORK SYSTEMS ANALYST II – SPONSORS: HUMAN RESOURCES

Presenter/s: William Schurtz, Director, Human Resources; and Juanie Cranmer, Manager, Human Resources.

Public Comment: None.

Board Directive: GENERAL CONSENSUS OF THE BOARD to Direct Human Resources to bring the item back during the first quarter budget discussions on November 16, 2021.

8A) OFF AGENDA ITEM: DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF UPDATE REGARDING THE HOPKINS FIRE AND THE RUSSIAN RIVER PROTECTION EFFORTS – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Travis Killmer; and Darcie Antle.

Public Comment: None.

Board Action: Direct staff to spend up to \$48,100, from the Disaster Recovery Budget Unit, to accomplish the Hopkins fire watershed protection project phase 1 as outlined in the presentation.

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

6C) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Board Action: No Action Taken.

5B) ~~DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 210054, PROFESSIONAL SERVICES AGREEMENT WITH GEI CONSULTANTS, INC., IN THE AMOUNT OF \$306,808, FOR THE TERM STARTING UPON EXECUTION OF THE AGREEMENT THROUGH DECEMBER 31, 2022, FOR THE RE-ESTABLISHMENT OF A STAND-ALONE MENDOCINO COUNTY WATER AGENCY (COUNTYWIDE) – SPONSOR: WATER AGENCY~~

Withdrawn.

5I) ~~CHIEF EXECUTIVE OFFICER'S REPORT – SPONSOR: EXECUTIVE OFFICE~~

Withdrawn.

5J) ~~DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE~~

Withdrawn.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:01 P.M.

Attest: ATLAS M.A. PEARSON
Deputy Clerk of the Board

DAN GJERDE, Chair

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

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Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors



Mendocino County Board of Supervisors Agenda Summary

Item #: 4b)

To: Board of Supervisors

From: Executive Office

Meeting Date: November 9, 2021

Department Contact: Carmel J. Angelo

Phone: 463-4441

Department Contact: Atlas Pearson

Phone: 463-4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of Minutes of October 26, 2021 Regular Meeting

Recommended Action/Motion:

Approve minutes of the October 26, 2021 regular meeting.

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

GLENN MCGOURTY
1st District
Supervisor

MAUREEN
MULHEREN
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor
Chair

TED WILLIAMS
5th District
Supervisor
Vice-Chair



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

CHRISTIAN M. CURTIS
County Counsel

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@mendocinocounty.org

MENDOCINO COUNTY BOARD OF SUPERVISORS ACTION MINUTES – October 26, 2021

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:01 A.M.)

Present: Supervisor Glenn McGourty, Supervisor Maureen Mulheren, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams. Chair Gjerde presiding.

Staff Present: Carmel J. Angelo, Chief Executive Officer; Darcie Antle, Assistant Chief Executive Officer; Christian M. Curtis, County Counsel; Atlas M.A. Pearson, Deputy Clerk of the Board; Deena Gera, Deputy Clerk of the Board; Lindsey Daugherty, Deputy Clerk of the Board; and Anthony Baroza, Staff Assistant.

The Pledge of Allegiance was led by: Atlas M.A. Pearson.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Carrie Shattuck; Paul Spangenberg; John Rarick; Danielle Brassfield; Kristin Nevedal; Ron Edwards; Michael Katz; Blaire AuClair; Hannah Nelson; and Paul Hansbury.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Gjerde.

Public Comment: Ron Edwards.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that Consent Calendar items 4a) – 4l) and 4n) are hereby approved as follows. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

Abstain: 0 – None

4A) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

1. Sherrie Ebyam, Third District Representative, Mental Health Treatment Act Citizens Oversight Committee.

4B) ADOPTION OF RESOLUTION DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE MULTIPLE SEPTEMBER 2020 FIRES INCLUDING; AUGUST COMPLEX, OAK FIRE AND HOPKINS FIRE, AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES AND DECLARING THE CONTINUATION OF A LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER – SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-152

RESOLUTION NO. 21-152

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO SEPTEMBER 2020 FIRES AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES AND REAFFIRMING THE EXISTENCE OF A LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER

4C) ADOPTION OF RESOLUTION DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE OCTOBER WIND EVENTS AND CORRESPONDING PACIFIC GAS AND ELECTRIC PUBLIC SAFETY POWER SHUTOFF EVENTS ON OCTOBER 23, 2019, OCTOBER 26, 2019 AND OCTOBER 29, 2019, IN MENDOCINO COUNTY AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES – SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-153

RESOLUTION NO. 21-153

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING THE DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE OCTOBER 2019 WIND EVENTS

4D) ADOPTION OF A RESOLUTION RENEWING ITS DECLARATION OF A LOCAL EMERGENCY AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO DROUGHT CONDITIONS AND IMMINENT THREAT OF DISASTER IN MENDOCINO COUNTY - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-154

RESOLUTION NO. 21-154

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RENEWING ITS DECLARATION OF A LOCAL EMERGENCY AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO DROUGHT CONDITIONS AND IMMINENT THREAT OF DISASTER IN MENDOCINO COUNTY

4E) APPROVAL OF AMENDMENT TO PARTIALLY INSURANCE REIMBURSABLE AGREEMENT 20-122 WITH LIEBERT CASSIDY WHITMORE (LCW), EFFECTIVE OCTOBER 26, 2021, INCREASING THE TOTAL COMPENSATION BY \$250,000 (FROM \$350,000, FOR A NEW AGREEMENT TOTAL OF \$600,000) FOR LITIGATION SERVICES FOR GREWAL V COUNTY OF MENDOCINO - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 20-122-A1

4F) APPROVAL OF RETROACTIVE AGREEMENT WITH NORTH COAST OPPORTUNITIES FOR COVID-19 DIRECT ASSISTANCE AND FOOD BOXES DISTRIBUTION SERVICES IN THE AMOUNT \$587,560 TERM STARTING SEPTEMBER 15, 2021 TO JUNE 15, 2022 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-188

4G) ACCEPTANCE OF MENDOCINO COUNTY'S CERTIFICATION OF THE SEPTEMBER 14TH 2021 CALIFORNIA GUBERNATORIAL RECALL ELECTION - SPONSOR: ASSESSOR/CLERK-RECORDER

Approved;

4H) APPROVAL OF AMENDMENT TO BOS AGREEMENT NO. 21-126 WITH REDWOOD COMMUNITY CRISIS CENTER (RC3) TO INCREASE THE AMOUNT FROM \$89,172 TO \$100,607 TO PROVIDE EMERGENCY CRISIS SERVICES AND OUTREACH TO CHILDREN AND YOUNG ADULTS IN MENDOCINO COUNTY, EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2022 - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-126-A1

4I) ADOPTION OF RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO CAL OES FOR THE UNSERVED/UNDERSERVED ADVOCACY AND OUTREACH (UV) PROGRAM FOR THE GRANT PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2022 - SPONSOR: DISTRICT ATTORNEY

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 21-155

RESOLUTION NO. 21-155

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS UNSERVED/UNDERSERVED ADVOCACY AND OUTREACH PROGRAM 2022 RFA

4J) APPROVAL OF RETROACTIVE REVOCABLE LICENSE AGREEMENT WITH SONOMA COUNTY FOR MENDOCINO COUNTY TELECOMMUNICATIONS OPERATIONS AT THE TRANSMISSION SITE KNOWN AS OAK RIDGE LOOK OUT, EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2029 – SPONSORS: GENERAL SERVICES AGENCY AND INFORMATION SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Interim Agreement *21-189

4K) APPROVAL OF AGREEMENT BETWEEN ABBOTT RAPID DX NORTH AMERICA, LLC AND COUNTY OF MENDOCINO TO PURCHASE BINAXNOW COVID-19 ANTIGEN SELF-TEST KITS IN THE AMOUNT OF \$94,962, EFFECTIVE UPON DATE OF EXECUTION THROUGH APRIL 19, 2022 – SPONSOR: CULTURAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-190

4L) APPROVAL OF RETROACTIVE AGREEMENT, BETWEEN NORTH COAST COMMUNITY PLANNING AND MENDOCINO COUNTY, TO INCREASE THE AMOUNT OF AGREEMENT NO. PA# 18-225 AND PA# 18-225A1 BY \$4,999 (FOR A NEW TOTAL NOT TO EXCEED \$49,999.00) AND EXTEND THE TERMINATION DATE OF THE AGREEMENT TO DECEMBER 31, 2021 TO CONTINUE TO PREPARE AND PROCESS AN AMENDMENT TO THE MENDOCINO COUNTY'S CERTIFIED LOCAL COASTAL PROGRAM TO ADDRESS REGULATION OF ACCESSORY DWELLING UNITS – SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-191

4N) APPROVAL OF RETROACTIVE AGREEMENT WITH ANDERSON VALLEY COMMUNITY SERVICES DISTRICT IN THE AMOUNT OF \$66,000 TO SUSTAIN AND SUPPORT EXISTING ADVANCED LIFE SUPPORT AND EMERGENCY MEDICAL SERVICES, EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2022– SPONSOR: SOCIAL SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-192

AGENDA ITEM NO. 4 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

4M) APPROVAL OF FIFTH AMENDMENT TO BOS AGREEMENT 17-131 WITH NAPHCARE INC. IN THE AMOUNT OF \$3,484,847.76 FOR A NEW AGREEMENT TOTAL OF \$19,105,009.38 FOR MEDICAL HEALTH SERVICES FOR THE MENDOCINO COUNTY SHERIFF'S OFFICE (MCSO) JAIL WITH A NEW TERM END DATE OF DECEMBER 31, 2022 – SPONSOR: SHERIFF-CORONER

Public Comment: None.

Board Directive: GENERAL CONSENSUS OF THE BOARD to direct that the item come back as a regular item with an informational report regarding a performance evaluation of the contractor, and if they do not have sufficient past performance records, set something up for future performance.

5A) DISCUSSION AND POSSIBLE ACTION INCLUDING AN UPDATE ASSOCIATED WITH THE NOVEL CORONAVIRUS (COVID-19); AND PROVIDE POSSIBLE DIRECTION REGARDING ESSENTIAL SERVICES IN MENDOCINO COUNTY, OPERATIONAL PREPARATION AND RESPONSE, AND ASSOCIATED COUNTYWIDE ECONOMIC IMPACTS – SPONSOR: PUBLIC HEALTH

Presenter/s: Dr. Andrew Coren, Health Officer.

Public Comment: Carrie Shattuck.

Board Action: No Action Taken.

5B) DISCUSSION AND POSSIBLE ACTION INCLUDING CREATION OF AD HOC COMMITTEE FOR RECRUITMENT AND SELECTION OF A HUMAN RESOURCES DIRECTOR – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Darcie Antle, Assistant Chief Executive Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors creates an Ad Hoc Committee comprised of Supervisors Haschak and McGourty for the recruitment and selection of a Human Resources Director. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

5E) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Judy Morris, Deputy Chief Executive Officer; and Howard Dashiell, Director, Department of Transportation.

Public Comment: Michael Katz.

Board Action: No Action Taken.

BOARD RECESS: 10:23 A.M. – 10:30 A.M.

ADJOURNED TO CLOSED SESSION: 10:30 A.M.

9A) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - HARINDER GREWAL V. MENDOCINO COUNTY - CASE NO. SCUK-CVPO-2020-73798**9B) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, CHERIE JOHNSON AND WILLIAM SCHURTZ; EMPLOYEE ORGANIZATION(S): ALL****9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: ONE CASE****9D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - COUNTY OF MENDOCINO, ET AL. V. AMERISOURCEBERGEN DRUG CORPORATION, ET AL. - CASE NO. 1:18-CV-02712****9E) PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - CHIEF EXECUTIVE OFFICER**

RECONVENED IN OPEN SESSION: 1:30 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Gjerde.

Board Action: With respect to Agenda Items 9a) – 9e), no action was taken.

5C) DISCUSSION AND POSSIBLE ACTION INCLUDING CONDUCTING A PUBLIC WORKSHOP WITH THE MENDOCINO COUNTY COMMUNITY-BASED ADVISORY REDISTRICTING COMMISSION TO RECEIVE INPUT ON COMMUNITIES OF INTEREST AND POTENTIAL DISTRICT BOUNDARIES – SPONSORS: EXECUTIVE OFFICE AND COUNTY COUNSEL

Presenter/s: Cherie Johnson, Deputy Chief Executive Officer; Charlotte Scott, Assistant County Counsel; Kyle Farmer, Chair, Redistricting Committee; Mary Ziady, Commissioner, Redistricting Committee; Dee Pallesen, Commissioner, Redistricting Committee; Peter McNamee, Commissioner, Redistricting Committee; Paula Cohen, Commissioner, Redistricting Committee; and Leif Farr, GIS Coordinator.

Public Comment: Ron Edwards.

Board Action: No Action Taken.

6A) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF A ONE-TIME CONTRIBUTION TO MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY IN THE AMOUNT OF \$107,680, TO COVER THE INCREASE IN HOUSEHOLD HAZARDOUS WASTE DISPOSAL COSTS DUE TO THE COVID-19 PANDEMIC (COUNTYWIDE) – SPONSOR: SUPERVISORS GJERDE AND MULHEREN

Presenter/s: Chair Gjerde; and Supervisor Mulheren.

Public Comment: Madge Strong.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor McGourty, IT IS ORDERED that the Board of Supervisors approves a one-time contribution to Mendocino Solid Waste Management Authority in the amount of \$107,680, to cover the increase in household hazardous waste disposal costs due to the COVID-19 pandemic (Countywide).

5D) CHIEF EXECUTIVE OFFICER'S REPORT – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Carmel J. Angelo, Chief Executive Officer.

Public Comment: None.

6C) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Board Action: No Action Taken.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:01 P.M.

Attest: ATLAS M.A. PEARSON
Deputy Clerk of the Board

DAN GJERDE, Chair

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Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors



Mendocino County Board of Supervisors Agenda Summary

Item #: 4c)

To: Board of Supervisors

From: Executive Office

Meeting Date: November 9, 2021

Department Contact: Carmel J. Angelo

Phone: 463-4441

Department Contact: Darcie Antle

Phone: 463-4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Approving an Allocation of \$558,957 in Funding, an Application for Funding, and the Execution of a Grant Agreement and Any Amendments Thereto from the 2019-2020 Funding Year of the CDBG-Mitigation (CDBG-Mit) Resilient Planning and Public Services Program

Recommended Action/Motion:

Adopt Resolution approving an allocation of \$558,957 in funding, an application for funding, and the execution of a grant agreement and any amendments thereto from the 2019-2020 funding year of the CDBG-Mitigation (CDBG-Mit) Resilient Planning and Public Services Program; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

No previous board action.

Summary of Request:

The Community Development Block Grant - Mitigation Resilience Planning and Public Services Program (MIT-PPS) was created to assist local jurisdictions with mitigation-related planning and public services needs to support risk reduction from the three primary hazards (wildfire, flooding, and earthquake) as established within the Mitigation Needs Assessment found in the CDBG-MIT Action Plan. The County has received notice of award for the projects below.

Community Wildfire Protection Plan Update (\$160,000)

A planning project that will result in updating the County's Community Wildfire Protection Plan with new priorities, focus on new at-risk communities, and updated information available to provide a roadmap for more effective countywide wildfire readiness.

Fire-Hazard Abatement Ordinance Implementation Planning (\$107,936)

Develop a Planning and Capacity Building project to enable the County to implement a new ordinance concerning the abatement of hazardous vegetation and combustible material to reduce fire hazards. The project will research, prepare plans, and identify future actions through gathering data on the need for abatement as well as develop a system, or plan, of addressing the problem through community training, education, and facilitated action.

Item #: 4c)

Fire-Hazard Abatement Ordinance Implementation Public Services (\$187,064)

Develop a Public Services project to implement the new ordinance implementation plan through an outreach and education campaign would inform the public on resilience-focused activities as well as train volunteers to assess and communicate steps that need to be taken to mitigate high fire risk properties.

General Plan Safety Element Plan Non-Federal Match (\$41,457)

A planning project undertaking a plan integration effort to effectively integrate plans and policies across disciplines and agencies by considering the potential of hazards as one of the key factors in future development. The amended Safety Element is integrated into the County's General Plan and insert hazard mitigation into areas such as land use, transportation, climate change, sustainability, natural and cultural resource protection, watershed management, and economic development. This project is complete and 75% funded by FEMA Hazard Mitigation Grant Program. This funding will cover the 25% non-federal share of the project.

Hazard Mitigation Plan Update Non-Federal Match (\$62,500)

A planning project that resulted in an update to the Mendocino County Local Hazard Mitigation Plan. The Mendocino County Local Hazard Mitigation Plan includes six different Mendocino County jurisdictions: County of Mendocino, Cities of Fort Bragg, Point Arena, Ukiah, Willits, and Mendocino County Office of Education. This project is complete and 75% funded by FEMA Hazard Mitigation Grant Program. This funding will cover the 25% non-federal share of the project.

This resolution gives authority to the CEO and Assistant CEO to execute and sign all documents necessary to carry out the projects, including the grant agreement, any amendments, funding requests, and other documentations required for the grant purpose.

Alternative Action/Motion:

Return to staff for alternative handling

How Does This Item Support the General Plan? The above projects are updates to a section of or support the General Plan

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At:

<https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-mit-2017/index.shtml>

Fiscal Details:

source of funding: CDBG-Mit PPS program

current f/y cost: n/a

annual recurring cost: n/a

budget clarification: This is a resolution only. Approval of this item will allow a revenue of \$558,957

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

Item #: 4c)

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.

RESOLUTION NO. 21-

RESOLUTION APPROVING AN ALLOCATION OF \$558,957 IN FUNDING, AN APPLICATION FOR FUNDING, AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2019-2020 FUNDING YEAR OF THE CDBG MITIGATION (CDBG-MIT) RESILIENT PLANNING AND PUBLIC SERVICES PROGRAM

BE IT RESOLVED by the Mendocino County Board of Supervisors as follows:

SECTION 1:

The Mendocino County Board of Supervisors has reviewed and hereby approves the projects identified below and the execution of a Standard Agreement ("Agreement") between the County of Mendocino ("Subrecipient") and the California Department of Housing and Community Development ("HCD"), allocating to the County of Mendocino, the aggregate amount, not to exceed, of \$558,957 ("Grant") for the following CDBG-MIT Planning and Public Services (MIT-PPS) projects, pursuant to the January 2021 CDBG MIT-PPS Notice of Funding Availability.

MIT-PPS Projects and Amounts

The Subrecipient's projects for the MIT-PPS program will not exceed \$558,957, identified below with project descriptions and award amounts.

Planning Projects

Community Wildfire Protection Plan Update \$160,000

A planning project that will result in updating the County's Community Wildfire Protection Plan with new priorities, focus on new at-risk communities, and updated information available to provide a roadmap for more effective countywide wildfire readiness.

Fire-Hazard Abatement Ordinance Implementation Planning \$107,936

Develop a Planning and Capacity Building project to enable the County to implement a new ordinance concerning the abatement of hazardous vegetation and combustible material to reduce fire hazards. The project will research, prepare plans, and identify future actions through gathering data on the need for abatement as well as develop a system, or plan, of addressing the problem through community training, education, and facilitated action.

General Plan Safety Element Plan Non-Federal Match \$41,457

A planning project undertaking a plan integration effort to effectively integrate plans and policies across disciplines and agencies by considering the potential of hazards as one of the key factors in future development. The amended Safety Element will be integrated into the County's General Plan and insert hazard mitigation into areas such as land use, transportation, climate change, sustainability, natural and cultural resource protection, watershed management, and economic development. This project is complete and 75% funded by FEMA Hazard Mitigation Grant Program. This funding will cover the 25% non-federal share of the project.

Hazard Mitigation Plan Update \$62,500

A planning project that will result in an update to the Mendocino County Local Hazard Mitigation Plan. The Mendocino County Local Hazard Mitigation Plan includes six different Mendocino County jurisdictions: the County of Mendocino, the Cities of Fort Bragg, Point Arena, Ukiah, Willits, and the Mendocino County Office of Education. This project is complete and 75% funded by FEMA Hazard Mitigation Grant Program. This funding will cover the 25% non-federal share of the project.

Public Services Project

Fire-Hazard Abatement Ordinance Implementation Public Services**\$187,064**

Develop a Public Services project to implement the new ordinance implementation plan through an outreach and education campaign would inform the public on resilience-focused activities as well as train volunteers to assess and communicate steps that need to be taken to mitigate high fire risk properties.

SECTION 2:

The County of Mendocino acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

SECTION 3:

The Chief Executive Officer or Assistant Chief Executive Officer are authorized to execute and deliver all project applications and any and all related documentation required to effectuate the terms of the Agreement, and to act on the County of Mendocino's behalf in all matters pertaining to all such applications and documentation.

SECTION 4:

If an application is approved, the Chief Executive Officer or Assistant Chief Executive Officer are authorized to enter into, execute and deliver the grant agreement (i.e., Standard Agreement) and any and all subsequent amendments thereto, with the State of California for the purposes of the Grant.

SECTION 5:

If an application is approved, the Chief Executive Officer or Assistant Chief Executive Officer are authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the Agreement for purposes of the Grant.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

I, _____, Clerk of the Mendocino County Board of Supervisors, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Board of Supervisors on this ____ day of _____, 2021.

_____, Clerk of the Mendocino County Board of Supervisors,
State of California

By: _____
Name and Title

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 500, 95833
P.O. Box 952054
Sacramento, CA 94252-2054
(916) 263-2771
www.hcd.ca.gov



August 5, 2021

County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Dear County of Mendocino:

RE: ELIGIBILITY DETERMINATION Announcement – County of Mendocino

The California Department of Housing and Community Development (Department) is pleased to announce that the County of Mendocino's application titled Community Wildfire Protection Plan Update in the amount of \$160,000.00 has been determined as Eligible for the Community Development Block Grant Mitigation Resilient Planning and Public Services (MIT-PPS) program.

The County of Mendocino will only be able to draw down funds when the standard agreement is fully executed, and any general and special conditions have been cleared in writing. Any pre-agreement costs must receive written authorization of HCD approval to incur such costs.

Congratulations on your successful application. In preparation of moving this project to AWARD status, a fact sheet summary and a check list of next steps are enclosed.

For further information, please contact Diedre Duncan, Disaster Recovery Program Manager, at (916) 820-1472 or Diedre.Duncan@hcd.ca.gov. The Department looks forward to working with you to promote the success of your MIT-PPS activities.

Sincerely,

Geoffrey Ross
Deputy Director

Enclosure

**California Department of Housing and Community Development
Community Development Block Grant Mitigation
Resilient Planning and Public Service Program**

County of Mendocino Fact Sheet

| | |
|---|--|
| Project Title | Community Wildfire Protection Plan Update |
| Project Description | A planning project that will result in updating the County's Community Wildfire Protection Plan with new priorities, focus on new at-risk communities, and updated information available to provide a roadmap for more effective countywide wildfire readiness. |
| How the Project Meets the Definition of Mitigation | The plan will serve the critical function of helping to renew agency collaborations and ensure the availability of information and currently relevant plans. The plan will include data analysis of high-priority mitigation efforts to prioritize projects across the County. The plan update will not only identify future projects but include plans and process for maintaining priority projects. |
| Most Impacted and Distressed Areas (MID) Benefit | The project benefits all of Mendocino County, including the MID zip code, 95470. |
| Benefit to Low-to-Moderate Income (LMI) Persons | The project is county-wide and will have a benefit to all areas/populations, including LMI. Overall, according to HUD data, the County's population is 45.87% LMI. |
| National Objective | Planning projects do not require a national objective. |
| Project Amount | \$160,000.00 |

MIT-PPS Path to Award Checklist

| Task | Applicant Completed | HCD Completed |
|---|----------------------------|--------------------------|
| 1. Contact applicant regarding intent to award. | | <input type="checkbox"/> |
| 2. Provide Authorizing Resolution and Duplication of Benefits Certification. | | <input type="checkbox"/> |
| 3. Submit Authorizing Resolution and Duplication of Benefits Certification to HCD. | <input type="checkbox"/> | |
| 4. Complete Due Diligence review and follow up with applicant as necessary. | | <input type="checkbox"/> |
| 5. Develop Special Conditions based on review of submitted Due Diligence information. Special conditions are included in the Standard Agreement and Applicants are notified via email of the special conditions. | | <input type="checkbox"/> |
| 6. Issue formal Award Letter and route Standard Agreement through HCD for approval. | | <input type="checkbox"/> |
| 7. Transmit Standard Agreement to applicant. | | <input type="checkbox"/> |
| 8. Applicant Reviews and Executes Standard Agreement. | <input type="checkbox"/> | |
| 9. Subrecipient Transmits Executed Standard Agreement to HCD. | <input type="checkbox"/> | |
| 10. Subrecipient submits documents addressing Standard Agreement Special Conditions to HCD for approval. | <input type="checkbox"/> | |
| 11. HCD reviews documents for Standard Agreement Special Conditions to determine if they meet HCD's standards or need to be further strengthened. If further changes are needed the documents will be returned to the Subrecipient. | | <input type="checkbox"/> |
| 12. Subrecipient has met the drawdown eligibility requirements found in the Standard Agreement, particularly Exhibit B (Budget Details and Payment Provisions) and may submit drawdown requests to HCD. | <input type="checkbox"/> | |

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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September 20, 2021

County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Dear County of Mendocino:

RE: ELIGIBILITY DETERMINATION Announcement – County of Mendocino

The California Department of Housing and Community Development (Department) is pleased to announce that the County of Mendocino's application Fire-Hazard Abatement Ordinance Implementation Planning in the amount of \$107,936.00 has been determined as Eligible for the Community Development Block Grant Mitigation Resilient Planning and Public Services (MIT-PPS) program.

The County of Mendocino will only be able to draw down funds when the standard agreement is fully executed, and any general and special conditions have been cleared in writing. Any pre-agreement costs must receive written authorization of HCD approval to incur such costs.

Congratulations on your successful application. In preparation of moving this project to AWARD status, a fact sheet summary and a check list of next steps are enclosed.

For further information, please contact mitigation@hcd.ca.gov. The Department looks forward to working with you to promote the success of your MIT-PPS activities.

Sincerely,

Jessica Hayes
Disaster Recovery Branch Chief

Enclosure

**California Department of Housing and Community Development
Community Development Block Grant Mitigation
Resilient Planning and Public Service Program**

County of Mendocino Fact Sheet

| | |
|---|---|
| Project Title | Fire-Hazard Abatement Ordinance Implementation Planning |
| Project Description | <p>Develop a Planning and Capacity Building project to enable the County to implement a new ordinance concerning the abatement of hazardous vegetation and combustible material to reduce fire hazards. The project will research, prepare plans, and identify future actions through gathering data on the need for abatement as well as develop a system, or plan, of addressing the problem through community training, education, and facilitated action.</p> <p>The Planning and Capacity Building project would provide for setting in place basic software and protocols for trained members of the public to log and assess potential issues, and to generate educational warning notices to landowners who need to reduce fire hazards on their properties. The project will result in a plan that evaluates steps required to enforce the hazard-abatement ordinance and proposes procedures for reporting and implementing abatement activities.</p> <p>The project was developed to meet the requirements of a new ordinance, County Code Chapter 8/77, which provides for the abatement of hazardous vegetation and combustible material to reduce fire hazards. The project's plan and capacity building activities will allow the County to meet the risk reduction requirement of the ordinance. The data from the plan will help the County understand the scope of abatement problems and assess future staffing needs related to resolving problems. The software will increase the County's capacity to implement the new ordinance. Using the software, the County will be able to receive and analyze data related to fire hazards requiring abatement.</p> |
| How the Project Meets the Definition of Mitigation | |
| Most Impacted and Distressed Areas (MID) Benefit | The project takes place in Mendocino County, including zip code 95470, a MID area. |
| Benefit to Low-to-Moderate Income (LMI) Persons | The project will benefit the entire county, including LMI populations. According to HUD data, Mendocino County is 45.87% LMI. |

| | |
|---------------------------|---|
| National Objective | Planning projects do not require a national objective |
| Project Amount | \$107,936.00 |

MIT-PPS Path to Award Checklist

| Task | Applicant Completed | HCD Completed |
|---|----------------------------|--------------------------|
| 1. Contact applicant regarding intent to award. | | <input type="checkbox"/> |
| 2. Provide Authorizing Resolution and Duplication of Benefits Certification. | | <input type="checkbox"/> |
| 3. Submit Authorizing Resolution and Duplication of Benefits Certification to HCD. | <input type="checkbox"/> | |
| 4. Complete Due Diligence review and follow up with applicant as necessary. | | <input type="checkbox"/> |
| 5. Develop Special Conditions based on review of submitted Due Diligence information. Special conditions are included in the Standard Agreement and Applicants are notified via email of the special conditions. | | <input type="checkbox"/> |
| 6. Issue formal Award Letter and route Standard Agreement through HCD for approval. | | <input type="checkbox"/> |
| 7. Transmit Standard Agreement to applicant. | | <input type="checkbox"/> |
| 8. Applicant Reviews and Executes Standard Agreement. | <input type="checkbox"/> | |
| 9. Subrecipient Transmits Executed Standard Agreement to HCD. | <input type="checkbox"/> | |
| 10. Subrecipient submits documents addressing Standard Agreement Special Conditions to HCD for approval. | <input type="checkbox"/> | |
| 11. HCD reviews documents for Standard Agreement Special Conditions to determine if they meet HCD's standards or need to be further strengthened. If further changes are needed the documents will be returned to the Subrecipient. | | <input type="checkbox"/> |
| 12. Subrecipient has met the drawdown eligibility requirements found in the Standard Agreement, particularly Exhibit B (Budget Details and Payment Provisions) and may submit drawdown requests to HCD. | <input type="checkbox"/> | |

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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(916) 263-2771
www.hcd.ca.gov



September 20, 2021

County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Dear County of Mendocino:

RE: ELIGIBILITY DETERMINATION Announcement – County of Mendocino

The California Department of Housing and Community Development (Department) is pleased to announce that the County of Mendocino's application Fire-Hazard Abatement Ordinance Implementation Public Services in the amount of \$187,064.00 has been determined as Eligible for the Community Development Block Grant Mitigation Resilient Planning and Public Services (MIT-PPS) program.

The County of Mendocino will only be able to draw down funds when the standard agreement is fully executed, and any general and special conditions have been cleared in writing. Any pre-agreement costs must receive written authorization of HCD approval to incur such costs.

Congratulations on your successful application. In preparation of moving this project to AWARD status, a fact sheet summary and a check list of next steps are enclosed.

For further information, please contact mitigation@hcd.ca.gov. The Department looks forward to working with you to promote the success of your MIT-PPS activities.

Sincerely,

Jessica Hayes
Disaster Recovery Branch Chief

Enclosure

**California Department of Housing and Community Development
Community Development Block Grant Mitigation
Resilient Planning and Public Service Program**

County of Mendocino Fact Sheet

| | |
|---|---|
| Project Title | Fire-Hazard Abatement Ordinance Implementation Public Services |
| Project Description | <p>Develop a Public Services project to implement the new ordinance implementation plan through an outreach and education campaign would inform the public on resilience-focused activities as well as train volunteers to assess and communicate steps that need to be taken to mitigate high fire risk properties. The project includes a two-step approach:</p> <ol style="list-style-type: none">1. Provide training to members of the countywide network of Neighborhood Fire Safe Councils (NFSCs) and other interested community members in evaluating reported fire hazards that potentially violate state or county codes. These trained volunteers would then issue practice notices, to be evaluated by program staff. If needed, additional training is provided to improve future evaluations.2. After approval by the program manager, educational notices are issued to homeowners who need to abate hazards on their properties. Staff will be available to work with homeowners to verify that they understand the hazards their property poses for themselves and their community. Staff will follow up to determine whether the educational notice resulted in remedial action. |
| How the Project Meets the Definition of Mitigation | <p>The project will allow the County to implement the adoption of a local policy and priority to reduce risk through outreach and education efforts regarding abatement of fire hazards. The project's outreach, education, and training components will allow the County to meet the risk reduction requirement of the ordinance. The volunteers trained by the project will understand how to assess and communicate steps that need to be taken to mitigate high fire risk properties. The project's outreach and education campaign will address requests from rural residents concerned about neighboring properties that are endangering their communities with neglected and overgrown flammable vegetation as well as accumulations of flammable rubbish and litter.</p> |

| | |
|---|---|
| Most Impacted and Distressed Areas (MID) Benefit | The project takes place in Mendocino County, including zip code 95470, a MID area. |
| Benefit to Low-to-Moderate Income (LMI) Persons | The project will benefit the entire county, including LMI populations. According to HUD data, Mendocino County is 45.87% LMI. |
| National Objective | Urgent Need Mitigation |
| Project Amount | \$187,064.00 |

MIT-PPS Path to Award Checklist

| Task | Applicant Completed | HCD Completed |
|---|----------------------------|--------------------------|
| 1. Contact applicant regarding intent to award. | | <input type="checkbox"/> |
| 2. Provide Authorizing Resolution and Duplication of Benefits Certification. | | <input type="checkbox"/> |
| 3. Submit Authorizing Resolution and Duplication of Benefits Certification to HCD. | <input type="checkbox"/> | |
| 4. Complete Due Diligence review and follow up with applicant as necessary. | | <input type="checkbox"/> |
| 5. Develop Special Conditions based on review of submitted Due Diligence information. Special conditions are included in the Standard Agreement and Applicants are notified via email of the special conditions. | | <input type="checkbox"/> |
| 6. Issue formal Award Letter and route Standard Agreement through HCD for approval. | | <input type="checkbox"/> |
| 7. Transmit Standard Agreement to applicant. | | <input type="checkbox"/> |
| 8. Applicant Reviews and Executes Standard Agreement. | <input type="checkbox"/> | |
| 9. Subrecipient Transmits Executed Standard Agreement to HCD. | <input type="checkbox"/> | |
| 10. Subrecipient submits documents addressing Standard Agreement Special Conditions to HCD for approval. | <input type="checkbox"/> | |
| 11. HCD reviews documents for Standard Agreement Special Conditions to determine if they meet HCD's standards or need to be further strengthened. If further changes are needed the documents will be returned to the Subrecipient. | | <input type="checkbox"/> |
| 12. Subrecipient has met the drawdown eligibility requirements found in the Standard Agreement, particularly Exhibit B (Budget Details and Payment Provisions) and may submit drawdown requests to HCD. | <input type="checkbox"/> | |

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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(916) 263-2771
www.hcd.ca.gov



August 5, 2021

County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Dear County of Mendocino:

RE: ELIGIBILITY DETERMINATION Announcement – County of Mendocino

The California Department of Housing and Community Development (Department) is pleased to announce that the County of Mendocino's application titled Hazard Mitigation Plan Update in the amount of \$62,500.00 has been determined as Eligible for the Community Development Block Grant Mitigation Resilient Planning and Public Services (MIT-PPS) program.

The County of Mendocino will only be able to draw down funds when the standard agreement is fully executed, and any general and special conditions have been cleared in writing. Any pre-agreement costs must receive written authorization of HCD approval to incur such costs.

Congratulations on your successful application. In preparation of moving this project to AWARD status, a fact sheet summary and a check list of next steps are enclosed.

For further information, please contact Diedre Duncan, Disaster Recovery Program Manager, at (916) 820-1472 or Diedre.Duncan@hcd.ca.gov. The Department looks forward to working with you to promote the success of your MIT-PPS activities.

Sincerely,

Geoffrey Ross
Deputy Director

Enclosure

**California Department of Housing and Community Development
Community Development Block Grant Mitigation
Resilient Planning and Public Service Program**

County of Mendocino Fact Sheet

| | |
|---|---|
| Project Title | Hazard Mitigation Plan Update |
| Project Description | <p>A planning project that will result in an update to the Mendocino County Local Hazard Mitigation Plan. The Mendocino County Local Hazard Mitigation Plan includes six (6) different Mendocino County jurisdictions: the County of Mendocino, the Cities of Fort Bragg, Point Arena, Ukiah, Willits, and the Mendocino County Office of Education), which is one of FEMA's prerequisites for Plan approval. The plan includes the following hazards: Dam Failure, Drought, Climate Change, Earthquake, Pandemic Disease, Flood, Severe Weather, Slope Failure, Soil Hazard, and Wildfires. Each hazard includes a discussion of the location of the hazard, size of typical event, historical occurrences, probability of future occurrence, vulnerability assessment of assets and populations at risk, and the potential mitigation strategies and actions to reduce future vulnerability.</p> <p>This project is already 75% funded by FEMA Hazard Mitigation Grant Program and has already begun. This application seeks to cover for the 25% non-federal share of the project.</p> |
| How the Project Meets the Definition of Mitigation | The purpose of the Mendocino County Local Hazard Mitigation Plan is to reduce property losses and avoid injury and casualties resulting from natural disasters. Hazard mitigation is the use of sustained, long-term actions to reduce loss of life, personal injury, and property damage that can result from a disaster. |
| Most Impacted and Distressed Areas (MID) Benefit | The project benefits all of Mendocino County, including the MID zip code, 95470. |
| Benefit to Low-to-Moderate Income (LMI) Persons | The project is county-wide and will have a benefit to all areas/populations, including LMI. Overall, according to HUD data, the County's population is 45.87% LMI. |
| National Objective | Planning projects do not require a national objective. |
| Project Amount | \$62,500.00 |

MIT-PPS Path to Award Checklist

| Task | Applicant Completed | HCD Completed |
|---|----------------------------|--------------------------|
| 1. Contact applicant regarding intent to award. | | <input type="checkbox"/> |
| 2. Provide Authorizing Resolution and Duplication of Benefits Certification. | | <input type="checkbox"/> |
| 3. Submit Authorizing Resolution and Duplication of Benefits Certification to HCD. | <input type="checkbox"/> | |
| 4. Complete Due Diligence review and follow up with applicant as necessary. | | <input type="checkbox"/> |
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| 12. Subrecipient has met the drawdown eligibility requirements found in the Standard Agreement, particularly Exhibit B (Budget Details and Payment Provisions) and may submit drawdown requests to HCD. | <input type="checkbox"/> | |

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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August 5, 2021

County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Dear County of Mendocino:

RE: ELIGIBILITY DETERMINATION Announcement – County of Mendocino

The California Department of Housing and Community Development (Department) is pleased to announce that the County of Mendocino's application titled General Plan Safety Element Integration of the Multi Hazard Mitigation Plan in the amount of \$41,457.00 has been determined as Eligible for the Community Development Block Grant Mitigation Resilient Planning and Public Services (MIT-PPS) program.

The County of Mendocino will only be able to draw down funds when the standard agreement is fully executed, and any general and special conditions have been cleared in writing. Any pre-agreement costs must receive written authorization of HCD approval to incur such costs.

Congratulations on your successful application. In preparation of moving this project to AWARD status, a fact sheet summary and a check list of next steps are enclosed.

For further information, please contact Diedre Duncan, Disaster Recovery Program Manager, at (916) 820-1472 or Diedre.Duncan@hcd.ca.gov. The Department looks forward to working with you to promote the success of your MIT-PPS activities.

Sincerely,

Geoffrey Ross
Deputy Director

Enclosure

**California Department of Housing and Community Development
Community Development Block Grant Mitigation
Resilient Planning and Public Service Program**

County of Mendocino Fact Sheet

| | |
|---|--|
| Project Title | General Plan Safety Element Integration of the Multi Hazard Mitigation Plan |
| Project Description | <p>A planning project undertaking a plan integration effort to effectively integrate plans and policies across disciplines and agencies by considering the potential of hazards as one of the key factors in future development. The amended Safety Element will be integrated into the County's General Plan and insert hazard mitigation into areas such as land use, transportation, climate change, sustainability, natural and cultural resource protection, watershed management, and economic development.</p> <p>This project is already 75% funded by FEMA Hazard Mitigation Grant Program and has already begun. This application seeks to cover for the 25% non-federal share of the project.</p> |
| How the Project Meets the Definition of Mitigation | By integrating natural hazard information and mitigation policies and principles into an amended Safety Element, staff can encourage collaborative planning and implementation and inter-agency coordination. The impact of the project will be measured by the reduction of hazard impacts within the County. Implementation of the goals and policies as well as proactive enforcement of regulations on existing and new developments should reduce the effects of hazards on residents and businesses. |
| Most Impacted and Distressed Areas (MID) Benefit | The project benefits all of Mendocino County, including the MID zip code, 95470. |
| Benefit to Low-to-Moderate Income (LMI) Persons | The project is county-wide and will have a benefit to all areas/populations, including LMI. Overall, according to HUD data, the County's population is 45.87% LMI. |
| National Objective | Planning projects do not require a national objective. |
| Project Amount | \$41,457.00 |

MIT-PPS Path to Award Checklist

| Task | Applicant Completed | HCD Completed |
|---|----------------------------|--------------------------|
| 1. Contact applicant regarding intent to award. | | <input type="checkbox"/> |
| 2. Provide Authorizing Resolution and Duplication of Benefits Certification. | | <input type="checkbox"/> |
| 3. Submit Authorizing Resolution and Duplication of Benefits Certification to HCD. | <input type="checkbox"/> | |
| 4. Complete Due Diligence review and follow up with applicant as necessary. | | <input type="checkbox"/> |
| 5. Develop Special Conditions based on review of submitted Due Diligence information. Special conditions are included in the Standard Agreement and Applicants are notified via email of the special conditions. | | <input type="checkbox"/> |
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| 12. Subrecipient has met the drawdown eligibility requirements found in the Standard Agreement, particularly Exhibit B (Budget Details and Payment Provisions) and may submit drawdown requests to HCD. | <input type="checkbox"/> | |



Mendocino County Board of Supervisors Agenda Summary

Item #: 4d)

To: Board of Supervisors

From: Executive Office and Transportation

Meeting Date: November 9, 2021

Department Contact: Darcie Antle

Phone: 463-4441

Department Contact: Howard Dashiell

Phone: 463-4363

Item Type: Consent Agenda

Time Allocated for Item: n/a

Agenda Title:

Approval of Agreement with LACO Associates to Increase the Amount of \$25,000 from Agreement EO-21-52 to \$50,000 to Provide Drought Technical Assistance Services Term Starting When Executed to June 30, 2022

Recommended Action/Motion:

Approve agreement with LACO Associates to increase the amount of \$25,000 from Agreement EO-21-52 to \$50,000 to provide drought technical assistance services term starting when executed to June 30, 2022; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

The Board provided direction to support grant writing education and supportive workshops to local water agencies at the September 17, 2021 meeting during the drought update.

Summary of Request:

LACO Associates was brought in during the drought emergency for drought technical assistance services, including technical, research, analytical, and grant support. During the drought update at the September 17, 2021 meeting, the Board gave direction to provide additional grant education and supportive workshops to local water agencies. This amendment will extend LACO Associates' agreement from \$25,000 to \$50,000 to provide the grant education and supportive workshops during the drought emergency.

Alternative Action/Motion:

Return to staff for alternative handling

How Does This Item Support the General Plan? n/a

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

Item #: 4d)

source of funding: Disaster Recovery Budget Unit-2910 **budgeted in current f/y:** No
current f/y cost: \$50,000 for the term of the agreement **if no, please describe:** Drought emergency
annual recurring cost: \$50,000 for the term of the agreement **revenue agreement:** No
budget clarification: Disaster Recovery budget unit, possible to be charged to DWR grant later

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:

**AMENDMENT TO STANDARD SERVICES EO
AGREEMENT NO. 21-52**

This Amendment to BOS Agreement No. 21-52 is entered into this _____ day of _____, 2021, by and between the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and LACO Associates, hereinafter referred to as "CONTRACTOR".

WHEREAS, EO Agreement No. 21-52 was entered into on June 8, 2021; and

WHEREAS, upon execution of this document by the Chair of the Mendocino County Board of Supervisors and LACO Associates, this document will become part of the aforementioned contract and shall be incorporated therein; and

WHEREAS, it is the desire of CONTRACTOR and COUNTY to increase the total contract set out in the original EO Agreement No. 21-52 from \$25,000 to \$50,000.

WHEREAS, it is the desire of CONTRACTOR and COUNTY to replace and supersede Exhibit A of the original EO Agreement No. 21-52 with Exhibit A as attached to this Amendment.

NOW, THEREFORE, we agree as follows:

1. The total contract amount set out in EO Agreement No. 21-52 will be increased from \$25,000 to \$50,000.
2. Exhibit A in the original EO Agreement No. 21-52 is replaced and superseded by Exhibit A as attached to this Amendment.

All other terms and conditions of EO Agreement No. 21-52 shall remain in full force and effect.

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW:

DEPARTMENT HEAD

DATE

Budgeted: ☒ Yes ☐ No

Budget Unit: 2910

Line Item: 862189 Proj DR212

Grant: ☐ Yes ☐ No

Grant No.:

CONTRACTOR/COMPANY NAME

By:

Date: 10/13/21

NAME AND ADDRESS OF CONTRACTOR:

LACO Associates

~~776 South State Street, Ste 103~~ 1072 N State Street

Ukiah, CA 95482

COUNTY OF MENDOCINO

By:

DAN GJERDE, Chair
BOARD OF SUPERVISORS

Date:

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By:

Deputy

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

CARMEL J. ANGELO, Clerk of said Board

By:

Deputy

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

By:

Matthew Kiedrowski
Deputy

Date:

10/12/2021

INSURANCE REVIEW:

By:

Risk Management

10/08/2021

Date:

EXECUTIVE OFFICE/FISCAL REVIEW:

By:

Deputy CEO

10/08/2021

Date:

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed ☐

Mendocino County Business License: Valid ☐

Exempt Pursuant to MCC Section:

EXHIBIT A

DEFINITION OF SERVICES

CONTRACTOR shall provide the following services:

1. CONTRACTOR shall provide technical assistance relating to drought to COUNTY, including but not limited to inform and educate the COUNTY and public, provide overall technical support, provide research support, perform analysis, contact regulatory agencies to determine regulatory requirements, grant writing education, grant facilitation, and coordinate supportive workshops.

[END OF DEFINITION OF SERVICES]

**COUNTY OF MENDOCINO
STANDARD SERVICES AGREEMENT**

This Agreement is by and between the COUNTY OF MENDOCINO, hereinafter referred to as the "COUNTY", and LACO Associates, hereinafter referred to as the "CONTRACTOR".

WITNESSETH

WHEREAS, pursuant to Government Code Section 31000, COUNTY may retain independent contractors to perform special services to or for COUNTY or any department thereof; and,

WHEREAS, COUNTY desires to obtain CONTRACTOR for its Drought Technical Assistance; and,

WHEREAS, CONTRACTOR is willing to provide such services on the terms and conditions set forth in this AGREEMENT and is willing to provide same to COUNTY.

NOW, THEREFORE it is agreed that COUNTY does hereby retain CONTRACTOR to provide the services described in Exhibit "A", and CONTRACTOR accepts such engagement, on the General Terms and Conditions hereinafter specified in this Agreement, the Additional Provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

| | |
|---------------|---|
| Exhibit A | Definition of Services |
| Exhibit B | Payment Terms |
| Exhibit C | Insurance Requirements |
| Exhibit D | Mendocino County ePayables Information |
| Exhibit E | Federal Provisions |
| Attachment E1 | Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transactions |
| Attachment E2 | Certification Regarding Lobbying |

The term of this Agreement shall be from the date this Agreement becomes fully executed by all parties (the "Effective Date"), and shall continue through June 30, 2022.

The compensation payable to CONTRACTOR hereunder shall not exceed twenty five thousand dollars (\$25,000) for the term of this Agreement.

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW:

Darcie Antle **06/07/2021**

DEPARTMENT HEAD DATE

Budgeted: ☒ Yes ☐ No

Budget Unit: 2910

Line Item: 861289 Proj DR212

Grant: ☐ Yes ☒ No

Grant No.: _____

CONTRACTOR/COMPANY NAME

By: 

Date: May 24, 2021

NAME AND ADDRESS OF CONTRACTOR:

LACO Associates

776 South State Street, Ste ~~102A~~ 103

Ukiah, CA 95482

INSURANCE REVIEW:

By: 

Risk Management

06/07/2021

Date: _____

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

EXECUTIVE OFFICE/FISCAL REVIEW:

By: 

Deputy CEO

06/07/2021

Date: _____

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

By: 

Deputy

Date: **06/08/2021**

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed ☐ _____

Mendocino County Business License: Valid ☐ _____

Exempt Pursuant to MCC Section: _____

GENERAL TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** No relationship of employer and employee is created by this Agreement; it being understood and agreed that CONTRACTOR is an Independent Contractor. CONTRACTOR is not the agent or employee of the COUNTY in any capacity whatsoever, and COUNTY shall not be liable for any acts or omissions by CONTRACTOR nor for any obligations or liabilities incurred by CONTRACTOR.

CONTRACTOR shall have no claim under this Agreement or otherwise, for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance medical care, hospital care, retirement benefits, social security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind.

CONTRACTOR shall be solely liable for and obligated to pay directly all applicable payroll taxes (including federal and state income taxes) or contributions for unemployment insurance or old age pensions or annuities which are imposed by any governmental entity in connection with the labor used or which are measured by wages, salaries or other remuneration paid to its officers, agents or employees and agrees to indemnify and hold County harmless from any and all liability which COUNTY may incur because of CONTRACTOR's failure to pay such amounts.

In carrying out the work contemplated herein, CONTRACTOR shall comply with all applicable federal and state workers' compensation and liability laws and regulations with respect to the officers, agents and/or employees conducting and participating in the work; and agrees that such officers, agents, and/or employees will be considered as Independent Contractors and shall not be treated or considered in any way as officers, agents and/or employees of COUNTY.

CONTRACTOR does, by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with all applicable federal, state and County laws, including but not limited to prevailing wage laws, ordinances, regulations, titles, departmental procedures and currently approved methods and practices in his/her field and that the sole interest of COUNTY is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the County agency concerned.

Notwithstanding the foregoing, if the COUNTY determines that pursuant to state and federal law CONTRACTOR is an employee for purposes of income tax withholding, COUNTY may upon two (2) week's written notice to CONTRACTOR, withhold from payments to CONTRACTOR hereunder federal and state income taxes and pay said sums to the federal and state governments.

2. **INDEMNIFICATION:** To the furthest extent permitted by law (including without limitation California Civil Code sections 2782 and 2782.8, if applicable), Contractor shall assume the defense of, indemnify, and hold harmless the COUNTY, its officers, agents, and employees, from and against any and all claims, demands, damages, costs, liabilities, and losses whatsoever alleged to be occurring or resulting in connection with the CONTRACTOR'S performance or its obligations under this AGREEMENT, unless arising out of the sole negligence or willful misconduct of COUNTY. "CONTRACTOR'S performance" includes CONTRACTOR'S action or inaction and the action or inaction of CONTRACTOR'S officers, employees, agents and subcontractors.
3. **INSURANCE AND BOND:** CONTRACTOR shall at all times during the term of the Agreement with the COUNTY maintain in force those insurance policies and bonds as designated in the attached Exhibit C, and will comply with all those requirements as stated therein.
4. **WORKERS' COMPENSATION:** CONTRACTOR shall provide Workers' Compensation insurance, as applicable, at CONTRACTOR's own cost and expense and further, neither the CONTRACTOR nor its carrier shall be entitled to recover from COUNTY any costs, settlements, or expenses of Workers' Compensation claims arising out of this Agreement.

CONTRACTOR affirms that s/he is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for the Workers' Compensation or to undertake self-insurance in accordance with the provisions of the Code and CONTRACTOR further assures that s/he will comply with such provisions before commencing the performance of work under this Agreement. CONTRACTOR shall furnish to COUNTY certificate(s) of insurance evidencing Worker's Compensation Insurance coverage to cover its employees, and CONTRACTOR shall require all subcontractors similarly to provide Workers' Compensation Insurance as required by the Labor Code of the State of California for all of subcontractors' employees.

5. **CONFORMITY WITH LAW AND SAFETY:**
 - a. In performing services under this Agreement, CONTRACTOR shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services, including all applicable provisions of the California Occupational Safety and Health Act. CONTRACTOR shall indemnify and hold COUNTY harmless from any and all liability, fines, penalties and consequences from any of CONTRACTOR's failures to comply with such laws, ordinances, codes and regulations.

- b. Accidents: If a death, serious personal injury or substantial property damage occurs in connection with CONTRACTOR's performance of this Agreement, CONTRACTOR shall immediately notify Mendocino County Risk Manager's Office by telephone. CONTRACTOR shall promptly submit to COUNTY a written report, in such form as may be required by COUNTY of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of CONTRACTOR's sub-contractor, if any; (3) name and address of CONTRACTOR's liability insurance carrier; and (4) a detailed description of the accident and whether any of COUNTY's equipment, tools, material, or staff were involved.
 - c. CONTRACTOR further agrees to take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and to grant to the COUNTY the opportunity to review and inspect such evidence, including the scene of the accident.
6. PAYMENT: For services performed in accordance with this Agreement, payment shall be made to CONTRACTOR as provided in Exhibit "B" hereto as funding permits.

If COUNTY over pays CONTRACTOR for any reason, CONTRACTOR agrees to return the amount of such overpayment to COUNTY, or at COUNTY's option, permit COUNTY to offset the amount of such overpayment against future payments owed to CONTRACTOR under this Agreement or any other agreement.

In the event CONTRACTOR claims or receives payment from COUNTY for a service, reimbursement for which is later disallowed by COUNTY, State of California or the United States Government, the CONTRACTOR shall promptly refund the disallowance amount to COUNTY upon request, or at its option COUNTY may offset the amount disallowed from any payment due or that becomes due to CONTRACTOR under this Agreement or any other agreement.

All invoices, receipts, or other requests for payment under this contract must be submitted by CONTRACTOR to COUNTY in a timely manner and consistent with the terms specified in Exhibit B. In no event shall COUNTY be obligated to pay any request for payment for which a written request for payment and all required documentation was first received more than six (6) months after this Agreement has terminated, or beyond such other time limit as may be set forth in Exhibit B.

7. TAXES: Payment of all applicable federal, state, and local taxes shall be the sole responsibility of the CONTRACTOR.

8. **OWNERSHIP OF DOCUMENTS:** CONTRACTOR hereby assigns the COUNTY and its assignees all copyright and other use rights in any and all proposals, plans, specification, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the COUNTY, the CONTRACTOR, the CONTRACTOR's subcontractors or third parties at the request of the CONTRACTOR (collectively, "Documents and Materials"). This explicitly includes the electronic copies of all above stated documentation.

CONTRACTOR shall be permitted to retain copies, including reproducible copies and computerized copies, of said Documents and Materials. CONTRACTOR agrees to take such further steps as may be reasonably requested by COUNTY to implement the aforesaid assignment. If for any reason said assignment is not effective, CONTRACTOR hereby grants the COUNTY and any assignee of the COUNTY an express royalty – free license to retain and use said Documents and Materials. The COUNTY's rights under this paragraph shall apply regardless of the degree of completion of the Documents and Materials and whether or not CONTRACTOR's services as set forth in Exhibit "A" of this Agreement have been fully performed or paid for.

The COUNTY's rights under this Paragraph 8 shall not extend to any computer software used to create such Documents and Materials.

9. **CONFLICT OF INTEREST:** The CONTRACTOR covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement.
10. **NOTICES:** All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:

Personal delivery: When personally delivered to the recipient, notices are effective on delivery.

First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three (3) mail delivery days after deposit in a United States Postal Service office or mailbox. Certified Mail: When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery (Federal Express/Airborne/United Parcel Service/DHL WorldWide Express) with charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

Facsimile transmission: When sent by facsimile to the facsimile number of the recipient known to the party giving notice, notice is effective on receipt, provided that, (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given facsimile shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To COUNTY: COUNTY OF MENDOCINO
501 Low Gap Road, Room 1010
Ukiah, CA 95482
Attn: Darcie Antle

To CONTRACTOR: LACO Associates
776 South State Street, Ste 102A
Ukiah, CA 95482
ATTN: Michael Nelson

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

11. USE OF COUNTY PROPERTY: CONTRACTOR shall not use County property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
12. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES PROVISIONS: CONTRACTOR certifies that it will comply with all Federal, State, and local laws, rules and regulations pertaining to nondiscrimination in employment.
 - a. CONTRACTOR shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color, pregnancy, disability, sex, sexual orientation, gender identity, ancestry, national origin, age, religion, Veteran's status, political affiliation, or any other factor prohibited by law.

- b. CONTRACTOR shall, if requested to so do by the COUNTY, certify that it has not, in the performance of this Agreement, engaged in any unlawful discrimination.
 - c. If requested to do so by the COUNTY, CONTRACTOR shall provide the COUNTY with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
 - d. Nothing contained in this Agreement shall be construed in any manner so as to require or permit any act which is prohibited by law.
 - e. The CONTRACTOR shall include the provisions set forth in this paragraph in each of its subcontracts.
13. DRUG-FREE WORKPLACE: CONTRACTOR and CONTRACTOR's employees shall comply with the COUNTY's policy of maintaining a drug-free workplace. Neither CONTRACTOR nor CONTRACTOR's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code § 812, including, but not limited to, marijuana, heroin, cocaine, and amphetamines, at any COUNTY facility or work site. If CONTRACTOR or any employee of CONTRACTOR is convicted or pleads *nolo contendere* to a criminal drug statute violation occurring at a County facility or work site, the CONTRACTOR, within five days thereafter, shall notify the head of the County department/agency for which the contract services are performed. Violation of this provision shall constitute a material breach of this Agreement.
14. ENERGY CONSERVATION: CONTRACTOR agrees to comply with the mandatory standards and policies relating to energy efficiency in the State of California Energy Conservation Plan, (Title 24, California Administrative Code).
15. COMPLIANCE WITH LICENSING REQUIREMENTS: CONTRACTOR shall comply with all necessary licensing requirements and shall obtain appropriate licenses. To the extent required by law, CONTRACTOR shall display licenses in a location that is reasonably conspicuous. Upon COUNTY's request, CONTRACTOR shall file copies of same with the County Executive Office.

CONTRACTOR represents and warrants to COUNTY that CONTRACTOR and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

16. AUDITS; ACCESS TO RECORDS: The CONTRACTOR shall make available to the COUNTY, its authorized agents, officers, or employees, for examination any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and

other records or documents evidencing or relating to the expenditures and disbursements charged to the COUNTY, and shall furnish to the COUNTY, within sixty (60) days after examination, its authorized agents, officers or employees such other evidence or information as the COUNTY may require with regard to any such expenditure or disbursement charged by the CONTRACTOR.

The CONTRACTOR shall maintain full and adequate records in accordance with County requirements to show the actual costs incurred by the CONTRACTOR in the performance of this Agreement. If such books and records are not kept and maintained by CONTRACTOR within the County of Mendocino, California, CONTRACTOR shall, upon request of the COUNTY, make such books and records available to the COUNTY for inspection at a location within County or CONTRACTOR shall pay to the COUNTY the reasonable, and necessary costs incurred by the COUNTY in inspecting CONTRACTOR's books and records, including, but not limited to, travel, lodging and subsistence costs. CONTRACTOR shall provide such assistance as may be reasonably required in the course of such inspection. The COUNTY further reserves the right to examine and reexamine said books, records and data during the four (4) year period following termination of this Agreement or completion of all work hereunder, as evidenced in writing by the COUNTY, and the CONTRACTOR shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any manner whatsoever for four (4) years after the COUNTY makes the final or last payment or within four (4) years after any pending issues between the COUNTY and CONTRACTOR with respect to this Agreement are closed, whichever is later.

17. **DOCUMENTS AND MATERIALS:** CONTRACTOR shall maintain and make available to COUNTY for its inspection and use during the term of this Agreement, all Documents and Materials, as defined in Paragraph 8 of this Agreement. CONTRACTOR's obligations under the preceding sentence shall continue for four (4) years following termination or expiration of this Agreement or the completion of all work hereunder (as evidenced in writing by COUNTY), and CONTRACTOR shall in no event dispose of, destroy, alter or mutilate said Documents and Materials, for four (4) years following the COUNTY's last payment to CONTRACTOR under this Agreement.
18. **TIME OF ESSENCE:** Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement.
19. **TERMINATION:** The COUNTY has and reserves the right to suspend, terminate or abandon the execution of any work by the CONTRACTOR without cause at any time upon giving to the CONTRACTOR notice. Such notice shall be in writing and may be issued by any county officer authorized to execute or amend the contract, the County Chief Executive Officer, or any other person designated by the County Board of Supervisors. In the event that the COUNTY should

abandon, terminate or suspend the CONTRACTOR's work, the CONTRACTOR shall be entitled to payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment. Said payment shall be computed in accordance with Exhibit B hereto, provided that the maximum amount payable to CONTRACTOR for its Drought Technical Assistance shall not exceed \$25,000 payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment or lack of funding.

20. **NON APPROPRIATION:** If COUNTY should not appropriate or otherwise make available funds sufficient to purchase, lease, operate or maintain the products set forth in this Agreement, or other means of performing the same functions of such products, COUNTY may unilaterally terminate this Agreement only upon thirty (30) days written notice to CONTRACTOR. Upon termination, COUNTY shall remit payment for all products and services delivered to COUNTY and all expenses incurred by CONTRACTOR prior to CONTRACTOR'S receipt of the termination notice.
21. **CHOICE OF LAW:** This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws.
22. **VENUE:** All lawsuits relating to this contract must be filed in Mendocino County Superior Court, Mendocino County, California.
23. **WAIVER:** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, failure, right or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
24. **ADVERTISING OR PUBLICITY:** CONTRACTOR shall not use the name of County, its officers, directors, employees or agents, in advertising or publicity releases or otherwise without securing the prior written consent of COUNTY in each instance.
25. **ENTIRE AGREEMENT:** This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire agreement between COUNTY and CONTRACTOR relating to the subject matter of this Agreement. As used herein, Agreement refers to and includes any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. This Agreement may not be modified except by a written document

signed by both parties. In the event of a conflict between the body of this Agreement and any of the Exhibits, the provisions in the body of this Agreement shall control.

26. HEADINGS: Herein are for convenience of reference only and shall in no way affect interpretation of this Agreement.
27. MODIFICATION OF AGREEMENT: This Agreement may be supplemented, amended or modified only by the mutual agreement of the parties. No supplement, amendment or modification of this Agreement shall be binding unless it is in writing and signed by authorized representatives of both parties.
28. ASSURANCE OF PERFORMANCE: If at any time the COUNTY has good objective cause to believe CONTRACTOR may not be adequately performing its obligations under this Agreement or that CONTRACTOR may fail to complete the Services as required by this Agreement, COUNTY may request from CONTRACTOR prompt written assurances of performance and a written plan acceptable to COUNTY, to correct the observed deficiencies in CONTRACTOR's performance. CONTRACTOR shall provide such written assurances and written plan within thirty (30) calendar days of its receipt of COUNTY's request and shall thereafter diligently commence and fully perform such written plan. CONTRACTOR acknowledges and agrees that any failure to provide such written assurances and written plan within the required time is a material breach under this Agreement.
29. SUBCONTRACTING/ASSIGNMENT: CONTRACTOR shall not subcontract, assign or delegate any portion of this Agreement or any duties or obligations hereunder without the COUNTY's prior written approval.
 - a. Neither party shall, on the basis of this Agreement, contract on behalf of or in the name of the other party. Any agreement that violates this Section shall confer no rights on any party and shall be null and void.
 - b. Only the department head or his or her designee shall have the authority to approve subcontractor(s).
 - c. CONTRACTOR shall remain fully responsible for compliance by its subcontractors with all the terms of this Agreement, regardless of the terms of any agreement between CONTRACTOR and its subcontractors.
30. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination on expiration of the Agreement, including without limitation, the obligations regarding Indemnification (Paragraph 2), Ownership of Documents (Paragraph 8), and Conflict of Interest (Paragraph 9), shall survive termination or expiration for two (2) years.

31. SEVERABILITY: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, unenforceable, or invalid provision.
32. INTELLECTUAL PROPERTY WARRANTY: CONTRACTOR warrants and represents that it has secured all rights and licenses necessary for any and all materials, services, processes, software, or hardware ("CONTRACTOR PRODUCTS") to be provided by CONTRACTOR in the performance of this AGREEMENT, including but not limited to any copyright, trademark, patent, trade secret, or right of publicity rights. CONTRACTOR hereby grants to COUNTY, or represents that it has secured from third parties, an irrevocable license (or sublicense) to reproduce, distribute, perform, display, prepare derivative works, make, use, sell, import, use in commerce, or otherwise utilize CONTRACTOR PRODUCTS to the extent reasonably necessary to use the CONTRACTOR PRODUCTS in the manner contemplated by this agreement.

CONTRACTOR further warrants and represents that it knows of no allegations, claims, or threatened claims that the CONTRACTOR PRODUCTS provided to COUNTY under this Agreement infringe any patent, copyright, trademark or other proprietary right. In the event that any third party asserts a claim of infringement against the COUNTY relating to a CONTRACTOR PRODUCT, CONTRACTOR shall indemnify and defend the COUNTY pursuant to Paragraph 2 of this AGREEMENT.

In the case of any such claim of infringement, CONTRACTOR shall either, at its option, (1) procure for COUNTY the right to continue using the CONTRACTOR Products; or (2) replace or modify the CONTRACTOR Products so that that they become non-infringing, but equivalent in functionality and performance.

33. ELECTRONIC COPIES:

The parties agree that an electronic copy, including facsimile copy, email, or scanned copy of the executed Agreement, shall be deemed, and shall have the same legal force and effect as, an original document.

34. COOPERATION WITH COUNTY

Contractor shall cooperate with County and County staff in the performance of all work hereunder.

35. PERFORMANCE STANDARD

Contractor shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in

Contractor's profession. County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release. If County determines that any of Contractor's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Contractor to meet with County to review the quality of the work and resolve matters of concern; (b) require Contractor to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of paragraph 19 (Termination) or (d) pursue any and all other remedies at law or in equity.

36. ATTORNEYS' FEES

In any action to enforce or interpret the terms of this agreement, including but not limited to any action for declaratory relief, each party shall be solely responsible for and bear its own attorneys' fees, regardless of which party prevails.

[END OF GENERAL TERMS AND CONDITIONS]

EXHIBIT A

DEFINITION OF SERVICES

CONTRACTOR shall provide the following services:

1. CONTRACTOR shall provide technical assistance relating to drought to COUNTY, including but not limited to inform and educate the COUNTY and public, provide overall technical support, provide research support, perform analysis, and contact regulatory agencies to determine regulatory requirements.

[END OF DEFINITION OF SERVICES]

EXHIBIT B

PAYMENT TERMS

1. COUNTY will pay CONTRACTOR at the billing rates below.

| Staff Member | Billing Rate Per Hour |
|--|-----------------------|
| Principal-in-Charge | \$185 |
| Project Manager | \$155 |
| Public Outreach and Government Relations | \$185 |
| Technical Writer | \$130 |
| Researcher and Technical Writer | \$90 |

2. CONTRACTOR shall submit monthly invoices to Sara Pierce via email at pierces@mendocinocounty.org. Invoices shall be submitted on a monthly basis. Billing for services is expected to be completed within thirty (30) days of service provisions.

3. CONTRACTOR's invoice shall include at minimum:

- a) Time period the invoice covers
- b) Number of hours worked and the total charge
- c) Services rendered during time period the invoice covers

4. Mileage will be paid at the IRS reimbursable rate and includes mileage.

Payments under this agreement shall not exceed twenty five thousand dollars (\$25,000) for the term of this agreement.

[END OF PAYMENT TERMS]

EXHIBIT C

INSURANCE REQUIREMENTS

Insurance coverage in a minimum amount set forth herein shall not be construed to relieve CONTRACTOR for liability in excess of such coverage, nor shall it preclude COUNTY from taking such other action as is available to it under any other provisions of this Agreement or otherwise in law. Insurance requirements shall be in addition to, and not in lieu of, Contractor's indemnity obligations under Paragraph 2 of this Agreement.

CONTRACTOR shall obtain and maintain insurance coverage as follows:

- a. Combined single limit bodily injury liability and property damage liability - \$1,000,000 each occurrence.
- b. Vehicle / Bodily Injury combined single limit vehicle bodily injury and property damage liability - \$500,000 each occurrence.

CONTRACTOR shall furnish to COUNTY certificates of insurance evidencing the minimum levels described above.

[END OF INSURANCE REQUIREMENTS]

EXHIBIT D

MENDOCINO COUNTY EPAYABLES INFORMATION

The County of Mendocino is currently making credit card payments to all of our vendors and suppliers who qualify. To qualify, vendors need to currently accept credit card payments. To achieve this more efficient form of payment, the County has partnered with Bank of America and their ePayables credit card program. This electronic initiative will yield many benefits to its participants:

- Expedited receipt of cash – electronic credit card payments provide cash flow benefits by eliminating mail and paper check float
- Elimination of check processing costs
- Remittance data transmitted with payment for more efficient back-end reconciliation
- No collection costs associated with lost or misplaced checks
- Reduced exposure to check fraud
- More efficient handling of exception items
- Fits with existing accounting software – requires no purchase of software, no modifications to existing accounts receivable system and no change to bank accounts.
- Going green with paperless electronic credit card payments help conserve the environment by eliminating printing and mailing of paper checks.

For information regarding the payment process, please email Auditorap@mendocinocounty.org.

Additional information regarding the Bank of America Program is also available at:

http://corp.bankofamerica.com/business/ci/landing/epayables-vendors?cm_mmc=sb-general_-vanity_-sg01vn000r_epayablesvendors_-na

EXHIBIT E

FEDERAL PROVISIONS

I. DEFINITIONS

- A. Government** means the United States of America and any executive department or agency thereof.
- B. FEMA** means the Federal Emergency Management Agency.
- C. Third Party Subcontract** means a subcontract at any tier entered into by Contractor or subcontractor, financed in whole or in part with Federal assistance originally derived from the Federal Emergency Management Agency.

II. FEDERAL CHANGES

- A.** Contractor shall at all times comply with all applicable regulations, policies, procedures, and FEMA Directives as they may be amended or promulgated from time to time during the term of this Agreement, including but not limited to those requirements of 2 CFR 200.317 through 200.326 and more fully set forth in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards, which is included herein by reference. Contractor's failure to so comply shall constitute a material breach of this contract.
- B.** The Contractor agrees to include the above clause in each third party subcontract which may be financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

III. ACCESS TO RECORDS

- A.** The Contractor agrees to provide the County, FEMA, the Comptroller General of the United States or any their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.
- B.** The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- C.** The Contractor agrees to maintain all books, records, accounts, and reports required under this Agreement for a period of not less than three years after the later of: (a) the date of termination or expiration of this Agreement or (b) the date County makes final payment under this Agreement, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case, Contractor agrees to maintain same until the County, FEMA, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims, or exceptions related thereto.
- D.** The requirements set for in paragraphs A, B, and C above are all in addition to, and should not be considered to be in lieu of, those requirements set forth in Section 16 of the Agreement.

IV. DEBARMENT AND SUSPENSION

- A.** This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- B.** Contractor represents and warrants that it is not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" or on the USEPA's List of Violating Facilities. Contractor agrees that neither Contractor nor any of its third party subcontractors shall enter into any third party subcontracts for any of the work under this Agreement with a third party subcontractor who is debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under executive Order 12549 or on the USEPA's List of Violating Facilities. Gov. Code § 4477.
- C.** The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. Contractor agrees to the provisions of Attachment E1, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions, attached hereto and incorporated herein. For purposes of this Agreement and Attachment E1, Contractor is the "prospective lower tier participant."
- D.** The Contractor agrees to include paragraphs A and B above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the paragraphs shall not be modified, except to identify the subcontractor who will be subject to its provisions.
- E.** This certification is a material representation of fact relied upon by County. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the State of California, the County, and the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- F.** The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions."

V. NO FEDERAL GOVERNMENT OBLIGATIONS TO CONTRACTOR

- A.** The County and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Government, the Government is not a party to this contract and shall not be subject to any obligations or liabilities to the County, Contractor, or any other

party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

- B. The Contractor agrees to include the above clause in each third party subcontract which may be financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

VI. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE (applicable to all construction contracts awarded meeting the definition of “federally assisted construction contract” under 41 CFR 61-1.3)

Contractor agrees to comply with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Part 60). 41 CFR 60.14 is hereby incorporated by reference.

- A. Contractors and subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, sexual orientation, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave.
- B. Contractors, and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- C. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, § 12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full.
- D. Contractors, and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

VII. ANTI-KICKBACK ACT COMPLIANCE (applicable to all contracts and subgrants for construction or repair; 44 CFR §13.36(i)(4))

Contractor agrees to comply with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3).

VIII. DAVIS-BACON ACT COMPLIANCE (applicable to construction contracts in excess of \$2,000 awarded by grantees and subgrantees when required by Federal grant program legislation;)

To the extent required by any Federal grant programs applicable to expected funding or reimbursement of County’s expenses incurred in connection with the services provided under this Agreement, Contractor agrees to comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of

Labor regulations (29 CFR Part 5) as set forth below. These requirements are in addition to the requirements set forth in Section 19(b) of the Agreement.

- A. The Contractor shall be bound to the provisions of the Davis-Bacon Act, and agrees to be bound by all the provisions of Labor Code section 1771 regarding prevailing wages. All labor on this project shall be paid neither less than the greater of the minimum wage rates established by the U.S. Secretary of Labor (Federal Wage Rates), or by the State of California Director of Department of Industrial Relations (State Wage Rates). Current DIR requirements may be found at <http://www.dir.ca.gov/lcp.asp>.
- B. The general prevailing wage rates may be accessed at the Department of Labor Home Page at www.wdol.gov. Under the Davis Bacon heading, click on "Selecting DBA WDs." In the drop down menu for State, select, "California." In the drop down menu for County, select "Mendocino." In the drop down menu for Construction Type, make the appropriate selection. Then, click Search.

- IX. CONTRACT WORK HOURS AND SAFETY STANDARDS** (applicable to all contracts in excess of \$100,000 that involve the employment of mechanics or laborers, but not to purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence)
- A. **Compliance:** Contractor agrees that it shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5), which are incorporated herein.
 - B. **Overtime:** No contractor or subcontractor contracting for any part of the work under this Agreement which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
 - C. **Violation; liability for unpaid wages; liquidated damages:** In the event of any violation of the provisions of Paragraph B, the Contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In additions, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph B in the sum of \$10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of his standard workweek of forty hours without payment of the overtime wages required by paragraph B.
 - D. **Withholding for unpaid wages and liquidated damages:** The County shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and

Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph C of this section.

- E. Subcontracts:** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs A through D of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs A through D of this section.

X. NOTICE OF REPORTING REQUIREMENTS

- A.** Contractor acknowledges that it has read and understands the reporting requirements of FEMA in Part III of Chapter 11 of the United States Department of Justice's Office of Justice Programs Financial Guide, and agrees to comply with any such applicable requirements.
- B.** The Contractor agrees to include the above clause in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XI. NOTICE OF REQUIREMENTS PERTAINING TO COPYRIGHTS

- A.** Contractor agrees that FEMA shall have a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for government purposes:
- 1) The copyright in any work developed with the assistance of funds provided under this Agreement;
 - 2) Any rights of copyright to which Contractor purchases ownership with the assistance of funds provided under this Agreement.
- B.** The Contractor agrees to include paragraph A above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XII. PATENT RIGHTS (applicable to contracts for experimental, research, or development projects financed by FEMA; 44 CFR §13.36(i)(8))

- A. General.** If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under this Agreement, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the County and Contractor agree to take actions necessary to provide immediate notice and a detailed report to FEMA.
- B.** Unless the Government later makes a contrary determination in writing, irrespective of Contractor's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the County and Contractor agree to

take the necessary actions to provide, through FEMA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 CFR, Part 401.

- C. The Contractor agrees to include paragraphs A and B above in each third party subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FEMA.

XIII. ENERGY CONSERVATION REQUIREMENTS

- A. The Contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6201).
- B. The Contractor agrees to include paragraph A above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XIV. CLEAN AIR AND WATER REQUIREMENTS (applicable to all contracts and subcontracts in excess \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year)

- A. Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387), and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).
- B. Contractor agrees to report each violation of these requirements to the County and understands and agrees that the County will, in turn, report each violation as required to assure notification to FEMA and the appropriate EPA regional office.
- C. The Contractor agrees to include paragraph A and B above in each third party subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FEMA.

XV. TERMINATION

See Paragraph 19 of the Agreement.

XVI. XVII. CHANGES.

See Paragraph 27 of the Agreement.

XVII. LOBBYING (Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended).)

- A. Contractor shall not use or pay any funds received under this Agreement to influence or attempt to influence an officer or employee of an agency, a Member

of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- B.** Contractor agrees to the provisions of Attachment 2, Certification Regarding Lobbying, attached hereto and incorporated herein (applicable for contracts or subcontracts in excess of \$100,000).
- C.** Contractor agrees to include paragraphs A and B above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XVIII. MBE / WBE REQUIREMENTS

The County intends to seek reimbursement of its costs incurred in connection with this project from FEMA. Accordingly, the CONTRACTOR shall make every effort to procure Minority and Women's Business Enterprises ("DBEs") through the "Good Faith Effort" process as required in 2 CFR 200.321. Failure to perform the "Good Faith Effort" process and submit the forms listed below with the bid shall be cause for a bid to be rejected as non-responsive and/or be considered as a material breach of the contract.

PRIME CONTRACTOR RESPONSIBILITIES

All recipients of this grant funding, as well as their prime contractors and subcontractors, must take all affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible make every effort to solicit bids from eligible DBEs. This information must be documented and reported.

"GOOD FAITH" EFFORT PROCESS

Any public or private entity receiving federal funds must demonstrate that efforts were made to attract MBE/WBEs. The process to attract MBE/WBEs is referred to as the "Good Faith" effort. This effort requires the recipient, prime contractor and any subcontractors to take the steps listed below to assure that MBE/WBEs are used whenever possible as sources of supplies, construction, equipment, or services. If a CONTRACTOR fails to take the steps outlined below shall cause the bid to be rejected as non-responsive and/or be deemed a material breach of the contract.

- A.** Place qualified small and minority businesses and women's business enterprises on solicitation lists;
- B.** Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- C. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- D. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- E. Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.
- F. If subcontracts are to be let, Contractor shall take the affirmative steps listed in 2 CFR 200.321.

XIX. PROCUREMENT OF RECOVERED MATERIALS (2 CFR 200.322)

Contractor shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XX. INCORPORATION OF UNIFORM ADMINISTRATIVE REQUIREMENTS

The preceding provisions include, in part, certain standard terms and conditions required by FEMA, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by FEMA are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FEMA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. Contractor shall not perform any act, fail to perform any act, or refuse to comply with any County requests that would cause County to be in violation of the FEMA terms and conditions.

XXI. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

The contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.

XXII. DHS SEAL, LOGO, AND FLAGS

The contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre- approval.

Attachment E1

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

(Lower Tier refers to the agency or contractor receiving Federal funds, as well as any subcontractors that the agency or contractor enters into contract with using those funds)

As required by Executive Order 12549, Debarment and Suspension, as defined at 44 CFR Part 17, County may not enter into contract with any entity that is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal Government from participating in transactions involving Federal funds. Contractor is required to sign the certification below which specifies that neither Contractor nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal agency. It also certifies that Contractor will not use, directly or indirectly, any of these funds to employ, award contracts to, engage the services of, or fund any contractor that is debarred, suspended, or ineligible under 44 CFR Part 17.

Instruction for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definition and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion – Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of its proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.



Contractor Signature

May 24, 2021

Date

Attachment E2

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loan, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Contractor Signature

May 24, 2021

Date



Mendocino County Board of Supervisors Agenda Summary

Item #: 4e)

To: Board of Supervisors

From: Behavioral Health

Meeting Date: November 9, 2021

Department Contact: Jenine Miller

Phone: 472-2341

Department Contact: Joy Beeler

Phone: 472-2833

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of Agreement with CliftonLarsonAllen in the Amount of \$6,000 to Perform a Financial and Compliance Audit to Determine Whether the Financial Statements of the Mental Health Oversight Committee Comply with the Expenditure Restrictions as Described in Chapter 5.180 of the Mendocino County Code Entitled the "Mental Health Treatment Act" During Each of the Periods: July 1, 2019 to June 30, 2020; July 1, 2020 to June 30, 2021; and July 1, 2021 to June 30, 2022; to be Funded by Measure B

Recommended Action/Motion:

Approve Agreement with CliftonLarsonAllen in the amount of \$6,000 to perform a financial and compliance audit to determine whether the financial statements of the Mental Health Oversight Committee comply with the expenditure restrictions as described in Chapter 5.180 of the Mendocino County Code entitled the "Mental Health Treatment Act" during each of the periods: July 1, 2019 to June 30, 2020; July 1, 2020 to June 30, 2021; and July 1, 2021 to June 30, 2022; authorize the Behavioral Health Director to sign any future amendments to the Agreement that do not exceed the maximum amount authorized for a Department Head to sign pursuant to Policy 1 (\$25,000); and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On March 22, 2021, the Board of Supervisors approved Measure B funds to be allocated to provide an annual independent audit of Measure B Funds.

Summary of Request:

Mendocino County's Mental Health Treatment Act was adopted to improve residents' lives and the public's safety by strategically evaluating and enhancing resources for mental health treatment. Specifically, the ordinance directs its provisions be interpreted in order to accomplish the following: provide assistance in the diagnoses, treatment and recovery from mental illness and addiction; provide necessary infrastructure to support and stabilize individuals with behavioral health conditions; conduct an independent annual audit; create a politically independent "Mental Health Treatment Act" oversight committee; create a Mental Health Treatment Fund entirely dedicated to fund improved services, treatment and facilities; and for a period of 5 years 75% of revenue deposited into the Mental Health Treatment Fund may be used for facilities with not less than 25% dedicated to services and treatment.

In accordance with Section 5.180.040, Specific Purpose, items C and D, of the Mental Health Treatment Act

Item #: 4e)

(which requires annual audits and review by an independent citizens' oversight committee to ensure funds are used for the specific purpose of the ordinance), the proposed Agreement with CliftonLarsonAllen provides for the audit of funds utilized for the past 3 fiscal years, including the present fiscal year.

Alternative Action/Motion:

Return to staff for alternative handling

How Does This Item Support the General Plan? The services provided through this agreement will support Planning Principles 2-3f of the Mendocino County General Plan; to collaborate with local communities, agencies and organizations to promote all aspects of wellness in the county's populations.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: 4052

current f/y cost: \$6,000

annual recurring cost: N/A

budget clarification:

budgeted in current f/y: Yes

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Darcie Antle, Assistant CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status:Item Status

Executed Item Type: item **Number:**

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered**

to Auditor? Choose an item.

**COUNTY OF MENDOCINO
STANDARD SERVICES AGREEMENT**

This Agreement is by and between the COUNTY OF MENDOCINO, hereinafter referred to as the "COUNTY", and **CliftonLarsonAllen, LLP**, hereinafter referred to as the "CONTRACTOR".

WITNESSETH

WHEREAS, pursuant to Government Code Section 31000, COUNTY may retain independent contractors to perform special services to or for COUNTY or any department thereof; and,

WHEREAS, COUNTY desires to obtain CONTRACTOR for its Mental Health Treatment Act audit reports for three fiscal years; and,

WHEREAS, CONTRACTOR is willing to provide such services on the terms and conditions set forth in this AGREEMENT and is willing to provide same to COUNTY.

NOW, THEREFORE it is agreed that COUNTY does hereby retain CONTRACTOR to provide the services described in Exhibit "A", and CONTRACTOR accepts such engagement, on the General Terms and Conditions hereinafter specified in this Agreement, the Additional Provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

| | |
|--------------|--|
| Exhibit A | Definition of Services |
| Exhibit B | Payment Terms |
| Exhibit C | Insurance Requirements |
| Exhibit D | Assurance of Compliance with Nondiscrimination in State and Federally Assisted Programs |
| Appendix A | Certification Regarding Debarment, Suspension, and Other Responsibility Matters -- Lower Tier Covered Transactions |
| Attachment A | Letter Terms |

The term of this Agreement shall be from the date this Agreement becomes fully executed by all parties (the "Effective Date"), and shall continue until delivery of CONTRACTOR'S signed report that is the product of CONTRACTOR'S work to be completed under this Agreement.

The compensation payable to CONTRACTOR hereunder shall not exceed Six Thousand Dollars (\$6,000).

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW:

By: [Signature]
Jenine Miller, Psy.D., Behavioral Health Director
Date: 10/13/21

Budgeted: ☒ Yes ☐ No

Budget Unit: 4052

Line Item: 86-2189

Org/Object Code: ME-862189

Grant: ☐ Yes ☒ No

Grant No.:

COUNTY OF MENDOCINO

By: _____
DAN GJERDE, Chair
BOARD OF SUPERVISORS

Date: _____

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: _____
Deputy

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

CARMEL J. ANGELO, Clerk of said Board

By: _____
Deputy

INSURANCE REVIEW:

By: [Signature]
Risk Management

Date: 10/06/2021

CONTRACTOR/COMPANY NAME

By: [Signature]
Jeffrey Peek, CPA

Date: October 8, 2021

NAME AND ADDRESS OF CONTRACTOR:

CliftonLarsonAllen, LLP
915 Highland Pointe Dr. Suite 300
Roseville, CA 95678

916-784-7800; Jeffrey.Peek@CLAconnect.com

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

By: [Signature]
Deputy

Date: 10/06/2021

EXECUTIVE OFFICE/FISCAL REVIEW:

By: [Signature]
Deputy CEO

Date: 10/06/2021

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed ☐

Mendocino County Business License: Valid ☐

Exempt Pursuant to MCC Section out of County Contractor

GENERAL TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** No relationship of employer and employee is created by this Agreement; it being understood and agreed that CONTRACTOR is an Independent Contractor. CONTRACTOR is not the agent or employee of the COUNTY in any capacity whatsoever, and COUNTY shall not be liable for any acts or omissions by CONTRACTOR nor for any obligations or liabilities incurred by CONTRACTOR.

CONTRACTOR shall have no claim under this Agreement or otherwise, for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance medical care, hospital care, retirement benefits, social security, disability, Workers' Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind.

CONTRACTOR shall be solely liable for and obligated to pay directly all applicable payroll taxes (including federal and state income taxes) or contributions for unemployment insurance or old age pensions or annuities which are imposed by any governmental entity in connection with the labor used or which are measured by wages, salaries or other remuneration paid to its officers, agents or employees and agrees to indemnify and hold COUNTY harmless from any and all liability which COUNTY may incur because of CONTRACTOR's failure to pay such amounts.

In carrying out the work contemplated herein, CONTRACTOR shall comply with all applicable federal and state workers' compensation and liability laws and regulations with respect to the officers, agents and/or employees conducting and participating in the work; and agrees that such officers, agents, and/or employees will be considered as Independent Contractors and shall not be treated or considered in any way as officers, agents and/or employees of COUNTY.

CONTRACTOR does, by this Agreement, agree to perform his/her said work and functions at all times in strict accordance with all applicable federal, state and COUNTY laws, including but not limited to prevailing wage laws, ordinances, regulations, titles, departmental procedures and currently approved methods and practices in his/her field and that the sole interest of COUNTY is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the COUNTY agency concerned.

Notwithstanding the foregoing, if the COUNTY determines that pursuant to state and federal law CONTRACTOR is an employee for purposes of income tax withholding, COUNTY may upon two (2) week's written notice to CONTRACTOR, withhold from payments to CONTRACTOR hereunder federal and state income taxes and pay said sums to the federal and state governments.

2. **INDEMNIFICATION:** To the furthest extent permitted by law (including without limitation California Civil Code sections 2782 and 2782.8, if applicable), CONTRACTOR shall assume the defense of, indemnify, and hold harmless the COUNTY, its officers, agents, and employees, from and against any and all claims, demands, damages, costs, liabilities, and losses whatsoever alleged to be occurring or resulting in connection with the CONTRACTOR'S performance or its obligations under this AGREEMENT, except to the extent arising out of the negligence or willful misconduct of COUNTY. "CONTRACTOR'S performance" includes CONTRACTOR'S action or inaction and the action or inaction of CONTRACTOR'S officers, employees, agents and subcontractors.
3. **INSURANCE AND BOND:** CONTRACTOR shall at all times during the term of the Agreement with the COUNTY maintain in force those insurance policies and bonds as designated in the attached Exhibit C, and will comply with all those requirements as stated therein.
4. **WORKERS' COMPENSATION:** CONTRACTOR shall provide Workers' Compensation insurance, as applicable, at CONTRACTOR's own cost and expense and further, neither the CONTRACTOR nor its carrier shall be entitled to recover from COUNTY any costs, settlements, or expenses of Workers' Compensation claims arising out of this Agreement.

CONTRACTOR affirms that s/he is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for the Workers' Compensation or to undertake self-insurance in accordance with the provisions of the Code and CONTRACTOR further assures that s/he will comply with such provisions before commencing the performance of work under this Agreement. CONTRACTOR shall furnish to COUNTY certificate(s) of insurance evidencing Worker's Compensation Insurance coverage to cover its employees, and CONTRACTOR shall require all subcontractors similarly to provide Workers' Compensation Insurance as required by the Labor Code of the State of California for all of subcontractors' employees.

5. **CONFORMITY WITH LAW AND SAFETY:**
 - a. In performing services under this Agreement, CONTRACTOR shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services, including all applicable provisions of the California Occupational Safety and Health Act. CONTRACTOR shall indemnify and hold COUNTY harmless from any and all liability, fines, penalties and consequences from any of CONTRACTOR's failures to comply with such laws, ordinances, codes and regulations.

- b. ACCIDENTS: If a death, serious personal injury or substantial property damage occurs in connection with CONTRACTOR's performance of this Agreement, CONTRACTOR shall immediately notify Mendocino County Risk Manager's Office by telephone. CONTRACTOR shall promptly submit to COUNTY a written report, in such form as may be required by COUNTY of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of CONTRACTOR's sub-contractor, if any; (3) name and address of CONTRACTOR's liability insurance carrier; and (4) a detailed description of the accident and whether any of COUNTY's equipment, tools, material, or staff were involved.
 - c. CONTRACTOR further agrees to take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and to grant to the COUNTY the opportunity to review and inspect such evidence, including the scene of the accident.
6. PAYMENT: For services performed in accordance with this Agreement, payment shall be made to CONTRACTOR as provided in Exhibit "B" hereto as funding permits.

If COUNTY over pays CONTRACTOR for any reason, CONTRACTOR agrees to return the amount of such overpayment to COUNTY, or at COUNTY's option, permit COUNTY to offset the amount of such overpayment against future payments owed to CONTRACTOR under this Agreement or any other agreement.

In the event CONTRACTOR claims or receives payment from COUNTY for a service, reimbursement for which is later disallowed by COUNTY, State of California or the United States Government, the CONTRACTOR shall promptly refund the disallowance amount to COUNTY upon request, or at its option COUNTY may offset the amount disallowed from any payment due or that becomes due to CONTRACTOR under this Agreement or any other agreement.

All invoices, receipts, or other requests for payment under this contract must be submitted by CONTRACTOR to COUNTY in a timely manner and consistent with the terms specified in Exhibit B. In no event shall COUNTY be obligated to pay any request for payment for which a written request for payment and all required documentation was first received more than six (6) months after this Agreement has terminated, or beyond such other time limit as may be set forth in Exhibit B.

7. TAXES: Payment of all applicable federal, state, and local taxes shall be the sole responsibility of the CONTRACTOR.

8. **OWNERSHIP OF DOCUMENTS:** CONTRACTOR hereby assigns the COUNTY and its assignees all copyright and other use rights in any and all proposals, plans, specification, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the COUNTY, the CONTRACTOR, the CONTRACTOR's subcontractors or third parties at the request of the CONTRACTOR (collectively, "Documents and Materials"). This explicitly includes the electronic copies of all above stated documentation. Provided, however, that CONTRACTOR'S work papers and audit documentation are CONTRACTOR'S sole and exclusive property, and are not Documents and Materials, to the extent provided by applicable laws, regulations, and professional standards.

CONTRACTOR shall be permitted to retain copies, including reproducible copies and computerized copies, of said Documents and Materials. CONTRACTOR agrees to take such further steps as may be reasonably requested by COUNTY to implement the aforesaid assignment. If for any reason said assignment is not effective, CONTRACTOR hereby grants the COUNTY and any assignee of the COUNTY an express royalty – free license to retain and use said Documents and Materials. The COUNTY's rights under this paragraph shall apply regardless of the degree of completion of the Documents and Materials and whether or not CONTRACTOR's services as set forth in Exhibit "A" of this Agreement have been fully performed or paid for.

The COUNTY's rights under this Paragraph 8 shall not extend to any computer software used to create such Documents and Materials.

9. **CONFLICT OF INTEREST:** The CONTRACTOR covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement.
10. **NOTICES:** All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:

Personal Delivery: When personally delivered to the recipient, notices are effective on delivery.

First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three (3) mail delivery days after deposit in a United States Postal Service office or mailbox. **Certified Mail:** When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery (Federal Express/Airborne/United Parcel Service/DHL WorldWide Express) with charges

prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

Facsimile Transmission: When sent by facsimile to the facsimile number of the recipient known to the party giving notice, notice is effective on receipt, provided that, (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given facsimile shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To COUNTY: COUNTY OF MENDOCINO
Behavioral Health
1120 S. Dora St.
Ukiah, CA 95482
Attn: Jenine Miller

To CONTRACTOR: CliftonLarsonAllen, LLP
915 Highland Pointe Dr. Suite 300
Roseville, CA 95678
Attn: Jeffrey Peek

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

11. USE OF COUNTY PROPERTY: CONTRACTOR shall not use COUNTY property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
12. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES PROVISIONS: CONTRACTOR certifies that it will comply with all Federal, State, and local laws, rules and regulations pertaining to nondiscrimination in employment.
 - a. CONTRACTOR shall, in all solicitations or advertisements for applicants for employment placed as a result of this Agreement, state that it is an "Equal Opportunity Employer" or that all qualified applicants will receive consideration for employment without regard to their race, creed, color,

pregnancy, disability, sex, sexual orientation, gender identity, ancestry, national origin, age, religion, Veteran's status, political affiliation, or any other factor prohibited by law.

- b. CONTRACTOR shall, if requested to so do by the COUNTY, certify that it has not, in the performance of this Agreement, engaged in any unlawful discrimination.
 - c. If requested to do so by the COUNTY, CONTRACTOR shall provide the COUNTY with access to copies of all of its records pertaining or relating to its employment practices, except to the extent such records or portions of such records are confidential or privileged under State or Federal law.
 - d. Nothing contained in this Agreement shall be construed in any manner so as to require or permit any act which is prohibited by law.
 - e. The CONTRACTOR shall include the provisions set forth in this paragraph in each of its subcontracts.
13. **DRUG-FREE WORKPLACE:** CONTRACTOR and CONTRACTOR's employees shall comply with the COUNTY's policy of maintaining a drug-free workplace. Neither CONTRACTOR nor CONTRACTOR's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code § 812, including, but not limited to, marijuana, heroin, cocaine, and amphetamines, at any COUNTY facility or work site. If CONTRACTOR or any employee of CONTRACTOR is convicted or pleads *nolo contendere* to a criminal drug statute violation occurring at a COUNTY facility or work site, the CONTRACTOR, within five days thereafter, shall notify the head of the COUNTY department/agency for which the contract services are performed. Violation of this provision shall constitute a material breach of this Agreement.
14. **ENERGY CONSERVATION:** CONTRACTOR agrees to comply with the mandatory standards and policies relating to energy efficiency in the State of California Energy Conservation Plan, (Title 24, California Administrative Code).
15. **COMPLIANCE WITH LICENSING REQUIREMENTS:** CONTRACTOR shall comply with all necessary licensing requirements and shall obtain appropriate licenses. To the extent required by law, CONTRACTOR shall display licenses in a location that is reasonably conspicuous. Upon COUNTY's request, CONTRACTOR shall file copies of same with the County Executive Office.

CONTRACTOR represents and warrants to COUNTY that CONTRACTOR and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

16. **SANCTIONED EMPLOYEE:** CONTRACTOR agrees that it shall not employ in any capacity, or retain as a subcontractor in any capacity, any individual or entity whose service is directly or indirectly, in whole or in part, payable by a Federal Healthcare Program (including Medicare and Medicaid) that is on any published Federal or State lists regarding the sanctioning, suspension, or exclusion of individuals or entities. At a minimum, the Office of Inspector General List of Excluded Individuals/Entities (LEIE), DHCS Medi-Cal List of Suspended or Ineligible Providers (LSIP), and System for Award Management (SAM) must be checked prior to employment and monthly thereafter, and the Social Security Death Master File must be checked prior to employment. In the event CONTRACTOR does employ such individual or entity, COUNTY must be notified immediately. CONTRACTOR agrees to assume full liability for any associated penalties, sanctions, loss, or damage that may be imposed on COUNTY by Federal Health Care Programs.
17. **AUDITS; ACCESS TO RECORDS:** The CONTRACTOR shall make available to the COUNTY, its authorized agents, officers, or employees, for examination any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to the expenditures and disbursements charged to the COUNTY, and shall furnish to the COUNTY, within sixty (60) days after examination, its authorized agents, officers or employees such other evidence or information as the COUNTY may require with regard to any such expenditure or disbursement charged by the CONTRACTOR.

The CONTRACTOR shall maintain full and adequate records in accordance with COUNTY requirements to show the actual costs incurred by the CONTRACTOR in the performance of this Agreement. If such books and records are not kept and maintained by CONTRACTOR within the County of Mendocino, California, CONTRACTOR shall, upon request of the COUNTY, make such books and records available to the COUNTY for inspection at a location within COUNTY or CONTRACTOR shall pay to the COUNTY the reasonable, and necessary costs incurred by the COUNTY in inspecting CONTRACTOR's books and records, including, but not limited to, travel, lodging and subsistence costs. CONTRACTOR shall provide such assistance as may be reasonably required in the course of such inspection. The COUNTY further reserves the right to examine and reexamine said books, records and data during the six (6) year period following termination of this Agreement or completion of all work hereunder, as evidenced in writing by the COUNTY, and the CONTRACTOR shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any manner whatsoever for six (6) years after the COUNTY makes the final or last payment or within six (6) years after any pending issues between the COUNTY and CONTRACTOR with respect to this Agreement are closed, whichever is later.

18. **DOCUMENTS AND MATERIALS:** CONTRACTOR shall maintain and make available to COUNTY for its inspection and use during the term of this Agreement, all Documents and Materials, as defined in Paragraph 8 of this Agreement. CONTRACTOR's obligations under the preceding sentence shall continue for six (6) years following termination or expiration of this Agreement or the completion of all work hereunder (as evidenced in writing by COUNTY), and CONTRACTOR shall in no event dispose of, destroy, alter or mutilate said Documents and Materials, for six (6) years following the COUNTY's last payment to CONTRACTOR under this Agreement.
19. **TIME OF ESSENCE:** Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement.
20. **TERMINATION:** The COUNTY has and reserves the right to suspend, terminate or abandon the execution of any work by the CONTRACTOR without cause at any time upon giving to the CONTRACTOR notice. Such notice shall be in writing and may be issued by any COUNTY officer authorized to execute or amend the contract, the County Chief Executive Officer, or any other person designated by the County Board of Supervisors. In the event that the COUNTY should abandon, terminate or suspend the CONTRACTOR's work, the CONTRACTOR shall be entitled to payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment. Said payment shall be computed in accordance with Exhibit B hereto, provided that the maximum amount payable to CONTRACTOR for its services as outlined in Exhibit A shall not exceed \$6,000 payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment or lack of funding.
21. **NON APPROPRIATION:** If COUNTY should not appropriate or otherwise make available funds sufficient to purchase, lease, operate or maintain the products set forth in this Agreement, or other means of performing the same functions of such products, COUNTY may unilaterally terminate this Agreement only upon thirty (30) days written notice to CONTRACTOR. Upon termination, COUNTY shall remit payment for all products and services delivered to COUNTY and all expenses incurred by CONTRACTOR prior to CONTRACTOR'S receipt of the termination notice.
22. **CHOICE OF LAW:** This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws.
23. **VENUE:** All lawsuits relating to this contract must be filed in Mendocino County Superior Court, Mendocino County, California.

24. **WAIVER:** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, failure, right or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
25. **ADVERTISING OR PUBLICITY:** CONTRACTOR shall not use the name of COUNTY, its officers, directors, employees or agents, in advertising or publicity releases or otherwise without securing the prior written consent of COUNTY in each instance.
26. **ENTIRE AGREEMENT:** This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire agreement between COUNTY and CONTRACTOR relating to the subject matter of this Agreement. As used herein, Agreement refers to and includes any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. This Agreement may not be modified except by a written document signed by both parties. In the event of a conflict between the body of this Agreement and any of the Exhibits, the provisions in the body of this Agreement shall control.
27. **HEADINGS:** Herein are for convenience of reference only and shall in no way affect interpretation of this Agreement.
28. **MODIFICATION OF AGREEMENT:** This Agreement may be supplemented, amended or modified only by the mutual agreement of the parties. No supplement, amendment or modification of this Agreement shall be binding unless it is in writing and signed by authorized representatives of both parties.
29. **ASSURANCE OF PERFORMANCE:** If at any time the COUNTY has good objective cause to believe CONTRACTOR may not be adequately performing its obligations under this Agreement or that CONTRACTOR may fail to complete the Services as required by this Agreement, COUNTY may request from CONTRACTOR prompt written assurances of performance and a written plan acceptable to COUNTY, to correct the observed deficiencies in CONTRACTOR's performance, unless CONTRACTOR'S compliance with such request is prohibited by or otherwise contrary to applicable laws, regulations, or professional standards. CONTRACTOR shall provide such written assurances and written plan within thirty (30) calendar days of its receipt of COUNTY's request and shall thereafter diligently commence and fully perform such written plan. CONTRACTOR acknowledges and agrees that any failure to provide such

written assurances and written plan within the required time is a material breach under this Agreement.

30. SUBCONTRACTING/ASSIGNMENT: CONTRACTOR shall not subcontract, assign or delegate any portion of this Agreement or any duties or obligations hereunder without the COUNTY's prior written approval.
 - a. Neither party shall, on the basis of this Agreement, contract on behalf of or in the name of the other party. Any agreement that violates this Section shall confer no rights on any party and shall be null and void.
 - b. Only the department head or his or her designee shall have the authority to approve subcontractor(s).
 - c. CONTRACTOR shall remain fully responsible for compliance by its subcontractors with all the terms of this Agreement, regardless of the terms of any agreement between CONTRACTOR and its subcontractors.
31. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination on expiration of the Agreement, including without limitation, the obligations regarding Indemnification (Paragraph 2), Ownership of Documents (Paragraph 8), and Conflict of Interest (Paragraph 9), shall survive termination or expiration for two (2) years. The obligations regarding payment for services per Exhibit B shall survive termination or expiration for ten (10) years, or in the event that CONTRACTOR has been notified that an audit or investigation of this contract has been commenced, until such time as the matter under audit or investigation has been resolved.
32. SEVERABILITY: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, unenforceable, or invalid provision.
33. INTELLECTUAL PROPERTY WARRANTY: CONTRACTOR warrants and represents that it has secured all rights and licenses necessary for any and all materials, services, processes, software, or hardware ("CONTRACTOR PRODUCTS") to be provided by CONTRACTOR in the performance of this AGREEMENT, including but not limited to any copyright, trademark, patent, trade secret, or right of publicity rights. CONTRACTOR hereby grants to COUNTY, or represents that it has secured from third parties, an irrevocable license (or sublicense) to reproduce, distribute, perform, display, prepare derivative works, make, use, sell, import, use in commerce, or otherwise utilize CONTRACTOR PRODUCTS to the extent reasonably necessary to use the CONTRACTOR PRODUCTS in the manner contemplated by this agreement.

CONTRACTOR further warrants and represents that it knows of no allegations, claims, or threatened claims that the CONTRACTOR PRODUCTS provided to COUNTY under this Agreement infringe any patent, copyright, trademark or other proprietary right. In the event that any third party asserts a claim of infringement against the COUNTY relating to a CONTRACTOR PRODUCT, CONTRACTOR shall indemnify and defend the COUNTY pursuant to Paragraph 2 of this AGREEMENT.

In the case of any such claim of infringement, CONTRACTOR shall either, at its option, (1) procure for COUNTY the right to continue using the CONTRACTOR Products; or (2) replace or modify the CONTRACTOR Products so that that they become non-infringing, but equivalent in functionality and performance.

34. **ELECTRONIC COPIES:** The parties agree that an electronic copy, including facsimile copy, email, or scanned copy of the executed Agreement, shall be deemed, and shall have the same legal force and effect as, an original document.
35. **COOPERATION WITH COUNTY:** CONTRACTOR shall cooperate with COUNTY and COUNTY staff in the performance of all work hereunder.
36. **PERFORMANCE STANDARD:** CONTRACTOR shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in CONTRACTOR's profession. COUNTY has relied upon the professional ability and training of CONTRACTOR as a material inducement to enter into this Agreement. CONTRACTOR hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of CONTRACTOR's work by COUNTY shall not operate as a waiver or release. If COUNTY determines that any of CONTRACTOR's work is not in accordance with such level of competency and standard of care, COUNTY, in its sole discretion, shall have the right to do any or all of the following: (a) require CONTRACTOR to meet with COUNTY to review the quality of the work and resolve matters of concern; (b) require CONTRACTOR to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of paragraph 20 (Termination) or (d) pursue any and all other remedies at law or in equity.
37. **ATTORNEYS' FEES:** In any action to enforce or interpret the terms of this Agreement, including but not limited to any action for declaratory relief, each party shall be solely responsible for and bear its own attorneys' fees, regardless of which party prevails.
38. **CONTRACTOR NOTIFICATION OF BREACH OR IMPROPER DISCLOSURES:** The State Contract requires County to notify the state of any breach or improper

disclosure of privacy and/or security of personal identifiable information (PII) and/or protected health information (PHI). Contractor shall, immediately upon discovery of a breach or improper disclosure of privacy and/or security of PII and/or PHI by Contractor, notify County's Privacy Officer of such breach or improper disclosure by telephone and either email or facsimile. In accordance with 45 CFR, upon County's knowledge of a material breach or violation by Contractor of the agreement between County and the Contractor, County shall:

- a. Provide an opportunity for the Contractor to cure the breach or end the violation and terminate the agreement if the Contractor does not cure the breach or end the violation within the time specified by the Department; or
- b. Immediately terminate the agreement if the Contractor has breached a material term of the agreement and cure is not possible.
- c. In the event that the State Contract requires County to pay any costs associated with a breach of privacy and/or security of PII and/or PHI, including but not limited to the costs of notification, Contractor shall pay on County's behalf any and all such costs arising out of a breach of privacy and/or security of PII and/or PHI by Contractor.

[END OF GENERAL TERMS AND CONDITIONS]

EXHIBIT A

DEFINITION OF SERVICES

I. CONTRACTOR shall provide the following services:

1. In general, the auditors will perform a financial and compliance audit to determine:
 - a) whether the financial statements of the Mental Health Treatment Act complied with the expenditure restrictions as described in Chapter 5.180 of the Mendocino County Code entitled the "Mental Health Treatment Act" during each of the periods July 1, 2019 to June 30, 2020, July 1, 2020 to June 30, 2021, and July 1, 2021 to June 30, 2022.
 - b) whether the Mental Health Treatment Act has complied with laws and regulations that may have a material effect upon the financial statements.
 - c) internal accounting controls and accounting procedures and render written reports of their findings and recommendations to the Mental Health Treatment Act Commission. The examination will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants (AICPA) and will include tests of records and other procedures.
2. Auditors shall submit a management letter about whether management's assertion about the entity's compliance with the Mental Health Treatment Act is fairly stated, in all material respects and recommendations on those matters noted and observed during the conduct.

[END OF DEFINITION OF SERVICES]

EXHIBIT B

PAYMENT TERMS

I. COUNTY will pay CONTRACTOR as per the following instructions:

1. Audit Services: COUNTY will pay CONTRACTOR a fixed fee of Six Thousand Dollars (\$6,000.00).

II. CONTRACTOR shall submit invoices outlining services provided, including date of service and hours, to the following address:

Mendocino County Behavioral Health
1120 South Dora Street
Ukiah, Ca 95482
Attn: Jenine Miller

III. Contract payments will be made on the basis of satisfactory performance by the CONTRACTOR as determined by the COUNTY. Final payment to the CONTRACTOR will only be made when the COUNTY finds the work performed by the CONTRACTOR is satisfactory and final work product and documents submitted meet the tasks of the project and is accepted by the COUNTY.

IV. COUNTY will pay CONTRACTOR a sum of no more than Six Thousand Dollars (\$6,000) over the term of this Agreement.

[END OF PAYMENT TERMS]

EXHIBIT C

INSURANCE REQUIREMENTS

Insurance coverage in a minimum amount set forth herein shall not be construed to relieve CONTRACTOR for liability in excess of such coverage, nor shall it preclude COUNTY from taking such other action as is available to it under any other provisions of this Agreement or otherwise in law. Insurance requirements shall be in addition to, and not in lieu of, CONTRACTOR's indemnity obligations under Paragraph 2 of this Agreement.

CONTRACTOR shall obtain and maintain insurance coverage as follows:

- a. Combined single limit bodily injury liability and property damage liability - \$1,000,000 each occurrence.
- b. Vehicle / Bodily Injury combined single limit vehicle bodily injury and property damage liability - \$500,000 each occurrence.

CONTRACTOR shall furnish to COUNTY certificates of insurance evidencing the minimum levels described above.

[END OF INSURANCE REQUIREMENTS]

EXHIBIT D
CONTRACTOR ASSURANCE OF COMPLIANCE WITH
THE MENDOCINO COUNTY
HEALTH & HUMAN SERVICES AGENCY
**NONDISCRIMINATION IN STATE
AND FEDERALLY ASSISTED PROGRAMS**

NAME OF CONTRACTOR: **CliftonLarsonAllen, LLP**

HEREBY AGREES THAT it will comply with Federal Law Requirements:

1. Title VI of the Civil Rights Act of 1964, Section 2000d, as amended, prohibiting discrimination based on race, color, or national origin in federally funded programs.
2. Title VIII of the Civil Rights Act of 1968 (42 USC 3601 et seq.) prohibiting discrimination on the basis of race, color, religion, sex, handicap, familial status or national origin in the sale or rental of housing.
3. Age Discrimination Act of 1975 (45 CFR Part 90), as amended (42 USC Sections 6101 – 6107), which prohibits discrimination on the basis of age.
4. Age Discrimination in Employment Act (29 CFR Part 1625).
5. Title I of the Americans with Disabilities Act (29 CFR Part 1630) prohibiting discrimination against the disabled in employment.
6. Title II of the Americans with Disabilities Act (28 CFR Part 35) prohibiting discrimination against the disabled by public entities.
7. Title III of the Americans with Disabilities Act (28 CFR Part 36) regarding access.
8. Section 504 of the Rehabilitation Act of 1973, as amended (29 USC Section 794), prohibiting discrimination on the basis of individuals with disabilities.
9. Executive Order 11246, 42 USC 2000e et seq., and 41 CFR Part 60 regarding nondiscrimination in employment under federal contracts and construction contracts greater than \$10,000 funded by federal financial assistance.
10. Executive Order 13166 (67 FR 41455) to improve access to federal services for those with limited English proficiency.
11. The Drug Abuse Office and Treatment Act of 1972, as amended, relating to nondiscrimination on the basis of drug abuse.
12. Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2, Subparts A – E).
13. Title 42, United States Code (USC), Section 300 x-24, Requirements regarding tuberculosis and human immunodeficiency virus
14. Title 45, United States Code (USC), Section 96.128 Requirements regarding human immunodeficiency virus
15. 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91 Nondiscrimination Under Programs Receiving Federal Assistance, including handicap or age
16. Title 28, United States Code (USC), part 42, Nondiscrimination and Equal Employment
17. Title 7, United States Code (USC), part 15, Nondiscrimination Under Programs Receiving Assistance from the Department of Agriculture
18. Food Stamp Act of 1977, as amended and in particular section 272.6
19. Section 1808 of the Removal of Barriers to Interethnic Adoption Act of 1996
20. 22 U.S.C. 7104 section 106 - Trafficking Victims Protection Act of 2000

21. Title 45, United States Code (USC), Section 96.131 - Admission Priority and Interim Services for Pregnant Women
22. CLAS (Culturally and Linguistically Appropriate Services National Standards); Civil Rights, Division 21 and ADA as amended
23. Title 42, CFR, Part 54 - Charitable Choice

As well as comply with State Law Requirements:

1. Fair Employment and Housing Act (Government Code Section 12900 et seq.) and the applicable regulations promulgated thereunder (2 CCR 7285.0 et seq.).
2. Title 2, Division 3, Article 9.5 of the Government Code, commencing with Section 11135-1119.5 as amended.
3. Title 9, Division 4, Chapter 8 of the CCR, commencing with Section 13000.
4. No state, federal, or County Realignment funds shall be used by the Contractor or its subcontractors for sectarian worship, instruction, or proselytization. No state funds shall be used by the Contractor or its subcontractors to provide direct, immediate, or substantial support to any religious activity.
5. Noncompliance with the requirements of nondiscrimination in services shall constitute grounds for DHCS to withhold payments under this Contract or terminate all, or any type, of funding provided hereunder.
6. Title 1, Division 5 Chapter 7, of the Government Code, Section 4450 Access to Public Buildings by Physically Handicapped Persons
7. Title 22, Division 8 of the California Code of Regulations, Sections 98000-98413
8. California Civil Code Section 51 et seq., which is the Unruh Civil Rights Act
9. California Government Code section 12940 - California Fair Employment
10. California Government Code section 4450 -Access to Public Buildings
11. California Government Code Section 7290-7299.8 - the Dymally-Alatorre Bilingual Services Act

AND HEREBY GIVE ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

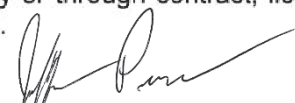
THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal and state assistance; and THE CONTRACTOR HEREBY GIVES ASSURANCE THAT administrative methods/procedures which have the effect of subjecting individuals to discrimination or defeating the objectives of the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Chapter 21, will be prohibited.

BY ACCEPTING THIS ASSURANCE, CONTRACTOR agrees to compile data, maintain records and submit reports as required, to permit effective enforcement of the aforementioned laws, rules and regulations and permit authorized CDSS and/or federal government personnel, during normal working hours, to review such records, books and accounts as needed to ascertain compliance. If there are any violations of this assurance, CDSS shall have the right to invoke fiscal sanctions or other legal remedies in accordance with Welfare and Institutions Code section 10605, or Government Code section 11135-11139.5, or any other laws, or the issue may be referred to the appropriate federal agency for further compliance action and enforcement of this assurance.

THIS ASSURANCE is binding on CONTRACTOR directly or through contract, license, or other provider services, as long as it receives federal or state assistance.

October 8, 2021

 Date



 CONTRACTOR Signature

915 Highland Pointe Dr. Suite 300 Roseville, CA 95678

 Address of CONTRACTOR

Appendix A
CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, and OTHER RESPONSIBILITY MATTERS
LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 **Federal Register** (pages 19160-19211).

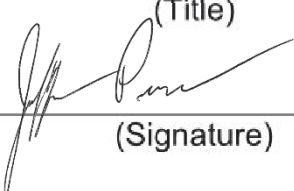
- (1) The primary principal certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency:
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment tendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsifications or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification, and
 - (d) Have not, within a three-year period preceding this application/proposal, had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the primary principal is unable to certify to any of the statements in this certification, such principal shall attach an explanation.

Jeffrey Peek

(Type Name)

CPA

(Title)



(Signature)

CliftonLarsonAllen, LLP

(Organization Name)

915 Highland Pointe Dr. Suite 300
Roseville, CA 95678

(Organization Address)

October 8, 2021

(Date)



CliftonLarsonAllen LLP
915 Highland Pointe Drive, Suite 300
Roseville, CA 95678

phone 916-784-7800 fax 916-784-7850
CLAAconnect.com

July 8, 2021

County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

We are pleased to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the examination engagement CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") will provide for County of Mendocino ("you," "your," or "the entity") for the years ended June 30, 2020, 2021 and 2022.

Jeffrey Peek is responsible for the performance of the examination engagement.

Examination services

We will examine management's assertion that the entity complied with the expenditure restrictions as described in Chapter 5.180 of the Mendocino County Code entitled the "Mental Health Treatment Act" during each of the periods July 1, 2019 to June 30, 2020, July 1, 2020 to June 30, 2021, and July 1, 2021 to June 30, 2022.

Examination objectives

The objectives of our examination are (1) to obtain reasonable assurance about whether the entity complied with the expenditure restrictions as described in Mental Health Treatment Act, in all material respects; and (2) to express an opinion in a written report about whether management's assertion about the entity's compliance with the Mental Health Treatment Act is fairly stated, in all material respects. Our examination will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants (AICPA) and will include tests of your records and other procedures we consider necessary to enable us to express such an opinion.

We will issue a written report upon completion of the examination. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement. If our opinion is other than unmodified, we will discuss the reasons with you in advance. If circumstances occur related to the condition of your records, the availability of sufficient, appropriate evidence, or the existence of a significant risk of material noncompliance or deviation from the criteria, which in our professional judgment prevent us from completing the examination or forming an opinion, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

Our responsibilities, procedures, and limitations

We will conduct our examination in accordance with attestation standards established by the AICPA. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the entity complied with the expenditure restrictions as described in Mental Health Treatment Act, in all material respects, including designing the examination to detect both intentional and unintentional material

noncompliance. An examination involves performing procedures to obtain evidence we consider necessary to enable us to express our opinion. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of management's assertion about the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act, whether due to fraud or error. There is an unavoidable risk, because of the inherent limitations of an examination engagement, together with the inherent limitations of internal control, that some material noncompliance may not be detected, even though the examination is properly planned and performed in accordance with the attestation standards.

In making our risk assessments, we consider internal control relevant to the entity's internal control over compliance with the expenditure restrictions as described in Mental Health Treatment Act in order to identify types of potential noncompliance, to consider factors that affect the risk of material noncompliance, and to design examination procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control relevant to the expenditure restrictions as described in Mental Health Treatment Act. An examination is not designed to provide assurance on internal control over compliance or to identify deficiencies in internal control. However, we will communicate to you in writing significant deficiencies or material weaknesses in internal control relevant to the expenditure restrictions as described in Mental Health Treatment Act that we identify during the examination.

Our engagement will not include a detailed inspection of every transaction and cannot be relied on to disclose all material errors, fraud, or noncompliance with laws or regulations, that may exist. However, we will inform you of any material errors, uncorrected misstatements, and known and suspected fraud and noncompliance with laws or regulations identified during the engagement.

Management responsibilities

You are responsible for the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act. You are responsible for, and agree to provide us with, a written assertion about the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act. You are responsible for the design, implementation, and maintenance of internal control over compliance.

You are responsible for providing us with (1) access to all information of which you are aware that is relevant to the measurement, evaluation, or disclosure of the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act, such as records, documentation, and other matters, and for the accuracy and completeness of that information; (2) additional information that we may request for the purpose of the examination; and (3) unrestricted access to persons from whom we determine it necessary to obtain evidence. You agree to inform us of events occurring or facts discovered subsequent to the period covered by our report affecting the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act.

You are responsible for the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act; and for selecting the criteria and determining that such criteria are appropriate for your purposes. We may advise you about appropriate criteria, but the responsibility for compliance with the specified requirements remains with you. For all nonattest services we may provide to you, management agrees to

assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience to understand and oversee the services; evaluate the adequacy and results of the services; and accept responsibility for the results of the services. Management is also responsible for ensuring that your data and records are complete and that you have received sufficient information to oversee the services.

At the conclusion of our engagement, we will require a representation letter from management that, among other things, will include management's assertion about and confirm management's responsibility for the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act, acknowledge management's responsibility for establishing and maintaining effective internal control over compliance, state that management has performed an evaluation of the entity's compliance with the specified requirements, and state management's interpretation of any compliance requirements that have varying interpretations. Management acknowledges that it agrees to provide us with a written representation letter at the conclusion of the engagement which provides confirmation of representations made by you and your staff to us in connection with the examination engagement. During our engagement, we will request information and explanations from you regarding the entity's compliance with the expenditure restrictions as described in Mental Health Treatment Act. The procedures we will perform during our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the representations that we receive in the representation letter and otherwise from you. Accordingly, inaccurate, incomplete, or false representations could cause us to expend unnecessary effort or could cause a material fraud, error, or noncompliance to go undetected by our procedures. In view of the foregoing, you agree that we shall not be responsible for any noncompliance that we may fail to detect as a result of misrepresentations made to us by you.

You are responsible to notify us in advance of your intent to print our report, in whole or in part, for inclusion in a document containing other information, and to give us the opportunity to approve such use and to review such printed matter for material inconsistencies and misstatements before issuance.

Engagement administration and other matters

A list of information we expect to need for the engagement and the dates required will be provided in a separate communication.

The workpapers supporting the services we perform are the sole and exclusive property of CLA and constitute confidential and proprietary information. We do not provide access to our workpapers to you or anyone else in the normal course of business. Unless required by law, regulation or lawful court order to the contrary, we retain our workpapers in accordance with our record retention policy that typically provides for a retention period of seven years.

Pursuant to authority given by law or regulation, we may be requested to make certain workpapers available to State Controller for their regulatory oversight purposes. We will notify you of any such request. Access to the requested workpapers will be provided to the regulators under the supervision of CLA personnel and at a location designated by our firm. Furthermore, upon request, we may provide copies of selected workpapers to such regulators. The regulators may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

CLA will not disclose any confidential, proprietary, or privileged information of the entity to any persons without the authorization of entity management or unless required by law. This confidentiality provision does not prohibit us from disclosing your information to one or more of our affiliated companies in order to provide services that you have requested from us or from any such affiliated company. Any such affiliated company shall be subject to the same restrictions on the use and disclosure of your information as apply to us.

Our relationship with you is limited to that described in this letter and in the County of Mendocino contract number MH-21-034. As such, you understand and agree that we are acting solely as independent accountants. We are not acting in any way as a fiduciary or assuming any fiduciary responsibilities for you. We are not responsible for the preparation of any report to any governmental agency, or any other form, return, or report or for providing advice or any other service not specifically recited in this letter.

Our engagement ends on delivery of our signed report. Any additional services that might be requested will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Mediation

Any disagreement, controversy, or claim ("Dispute") that may arise out of any aspect of our services or relationship with you, including this engagement, shall be submitted to non-binding mediation by written notice ("Mediation Notice") to the other party. In mediation, we will work with you to resolve any differences voluntarily with the aid of an impartial mediator.

The mediation will be conducted as specified by the mediator and agreed upon by the parties (i.e., you and CLA). The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the Dispute.

Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

Any Dispute will be governed by the laws of the state of California, without giving effect to choice of law principles.

Time limitation

The nature of our services makes it difficult, with the passage of time, to gather and present evidence that fully and fairly establishes the facts underlying any Dispute that may arise between the parties. The parties agree that, notwithstanding any statute or law of limitations that might otherwise apply to a Dispute, including one arising out of this agreement or the services performed under this agreement, for breach of contract or fiduciary duty, tort, fraud, misrepresentation or any other cause of action or remedy, any action or legal proceeding by you against us must be commenced within twenty-four (24) months ("Limitation Period") after the date when we deliver our final examination report under this agreement to you, regardless of whether we do other services for you relating to the examination report, or you shall be forever barred from commencing a lawsuit or obtaining any legal or equitable relief or recovery.

The Limitation Period applies and begins to run even if you have not suffered any damage or loss, or have not become aware of the existence or possible existence of a Dispute.

Fees

Our fees for these services will be \$6,000. The fee is based on anticipated cooperation from your personnel and their assistance with preparing confirmations and requested schedules. If unexpected circumstances require significant additional time, we will advise you before undertaking work that would require a substantial increase in the fee. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. We will also bill for expenses (including internal administrative charges) plus a technology and client support fee of five percent (5%) of all professional fees billed, and which amounts are included in the not to exceed fee as listed earlier. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not issued our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Changes related to COVID-19

COVID-19 continues to have significant direct and indirect impacts on the nature, timing, and scope of the activities we are required to perform. To the extent that the amount of time required to provide the services described in this letter increases due to such changes, our fee may need to be adjusted. We will discuss such circumstances with you prior to performing the additional work.

Other fees

You also agree to compensate us for any time and expenses, including time and expenses of legal counsel, we may incur in responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings that we are asked to respond to on your behalf.

Finance charges and collection expenses

You agree that if any statement is not paid within 30 days from its billing date, the unpaid balance shall accrue interest at the monthly rate of one and one-quarter percent (1.25%), which is an annual percentage rate of 15%. In the event that any collection action is required to collect unpaid balances due us, reasonable attorney fees and expenses shall be recoverable.

Agreement

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. This letter and the County of Mendocino contract number MH-21-034 constitute the entire agreement regarding these services and supersede all prior agreements (whether oral or written), understandings, negotiations, and discussions between you and CLA. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign, date, and return a copy to us.

Sincerely,

CliftonLarsonAllen LLP



Jeffrey Peek, CPA
Principal
916-724-6834
Jeffrey.Peek@CLAconnect.com

Response:

This letter correctly sets forth the understanding of County of Mendocino.

Authorized Signature: _____

Title: _____

Date: _____

Authorized Signature: _____

Title: _____

Date: _____



Mendocino County Board of Supervisors

Agenda Summary

Item #: 4f)

To: Board of Supervisors

From: Cannabis

Meeting Date: November 9, 2021

Department Contact: Kristin Nevedal

Phone: 707-234-6680

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of Submission of the Local Jurisdiction Assistance Grant Program Application; and Authorization for the Cannabis Program Manager, or Department Head, to Execute the Grant Agreement on Behalf of the County of Mendocino Should the Grant be Awarded

Recommended Action/Motion:

Approve the submission of the Local Jurisdiction Assistance Grant Program application; and authorize the Cannabis Program Manager, or Department Head, to execute the grant agreement on behalf of the County of Mendocino should the grant be awarded.

Previous Board/Board Committee Actions:

On October 5, 2021, the Board of Supervisors directed staff to prepare an application for up to \$18,084,837.00 in Local Jurisdiction Assistance Grant Program funding, and to bring the completed application back to the Board of Supervisors for review and approval at the October 26, 2021 Board of Supervisor's meeting.

Summary of Request:

The Budget Act of 2021 authorized the Local Jurisdiction Assistance Grant Program (Grant Program) which allows the Department of Cannabis Control (DCC) to award \$100 million in funding, on a one-time basis, to local jurisdictions with commercial cannabis licensees needing the greatest assistance in transitioning from provisional licenses to annual licenses. The Grant Program funds will aid local jurisdictions in more expeditiously reviewing local permitting requirements, including project specific California Environmental Quality Act (CEQA) review. Additional funding has been allocated to those local jurisdictions that have received grant funding from the state to support the already established local equity program.

Because the County of Mendocino has established a state recognized local equity program, and because the County has a significant number of commercial cannabis cultivation businesses, the County is eligible to apply for \$18,084,837.00 in Grant Program funding. Eligible Grant Program expenditures may start no earlier than the date of approval by the local jurisdiction to enter into the Grant Agreement with the DCC and to accept the funding under the Grant Program. The application period for the Grant Program opened on October 8, 2021 and closes on November 15, 2021.

Staff is seeking approval of the Grant Program application from the Board of Supervisor and authorization for the Cannabis Program Manager, or Department Head, to execute the grant agreement with the DCC on behalf

Item #: 4f)

of the County of Mendocino, should the grant be awarded in December, 2021.

Alternative Action/Motion:

Provide alternative direction to staff.

How Does This Item Support the General Plan? Not Applicable

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At:

Fiscal Details:

source of funding: Local Jurisdiction Assistance Grant **budgeted in current f/y:** N/A
Program

current f/y cost: None

if no, please describe:

annual recurring cost: None

revenue agreement: N/A

budget clarification:

Agreement/Resolution/Ordinance Approved by County Counsel: -N/A

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item **Number:**

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered to Auditor?** Choose an item.



Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

November 5, 2021

Re: Item 4f (consent calendar) for 11-09-2021: Approval of Submission of the Local Jurisdiction Assistance Grant Program Application; and Authorization for the Cannabis Program Manager, or Department Head, to Execute the Grant Agreement on Behalf of the County of Mendocino Should the Grant be Awarded

Honorable Supervisors,

Since the Local Jurisdiction Assistance Program to help support the transition of our local Provisional license holders and applicants to Annual Licenses was last discussed here, there was one meeting hosted by Supervisor Haschak that Cannabis Program Director Kiristin Nevedal did attend. Many ideas were discussed at the one community meeting, but since then there has not been the opportunity to review the draft application, or to continue the conversation, and as such we have no transparency into the requests that will be coming from MCP. Further, the draft application has not yet been added to the County website.

We recommend that the application be shared with the community and the BoS as soon as possible to allow time for consideration. We also recommend the application be submitted with sufficiently vague language to allow us as a community to continue to work together after the submission to identify the best uses for these funds, and to ensure that they are equitably distributed directly to Applicants as well as the Cannabis Program.

We suggest the following items be specifically included in the Grant Application:

- a. Funds for Provisional licensee and application costs pertaining to state agency compliance fees and environmental mitigations imposed by CDFW, the Water Board, CalFire, MCAQMD and any other state or local department or agency criteria required for Annual Licenses.
- b. Funds for Provisional Licensees to engage CEQA consultants and professional assistance in completing Appendix G and Project Descriptions, or any other regulatory documentation, required for site-specific CEQA compliance.
- c. Funds for water infrastructure: storage, catchment systems, ponds, pumps and irrigation equipment, or any other projects aimed at conservation and efficiency.

- d. Funds to cover the costs for any environmental review, or legal costs associated with reaching the determination that environmental review is not required, to amend 10.a.17 to add a discretionary permitting pathway for current applicants under the ministerial permitting provisions.
 - i. We are aware that 10A.17 will need amending to add a discretionary permitting pathway for an unknown number of existing operators. It is essential that we begin this amendment process as soon as possible, and MCA continues to be available to assist in the amendment process with the County and local stakeholders.

MCA had requested on October 5 that the Grant development process be sufficiently inclusive of local stakeholders, the cohort for whom the funds have been made available by the State. However, stakeholder involvement has been limited to one community meeting and three-minute public comment opportunities. MCA continues to recommend that this item be discussed by the Supervisors in open session for final consideration of Public input, and that they be willing to hear from the community once the Draft is made available and incorporate any beneficial revisions to the Grant Application.

We continue to recommend that a Standing Committee be set up to address the myriad issues facing our locally permitted cannabis community, such as the problems with the Portal process, the Equity Program, the amending of 10A.17, and the continued staffing issues that are plaguing the department.

Thank you for your consideration of these items.

Mendocino Cannabis Alliance

e: info@mendocannabis.com



Mendocino County Board of Supervisors Agenda Summary

Item #: 4g)

To: Board of Supervisors

From: Cultural Services Agency

Meeting Date: November 9, 2021

Department Contact: Deborah Fader Samson

Phone: 707-234-2872

Department Contact: Barb Chapman

Phone: 707-367-8216

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Proclamation Recognizing the Recipients of the 2021 Arts Champion Awards as Nominated by the Community and Selected by the Arts Council of Mendocino County: Black Oak Coffee Roasters, Business Champion; Gualala Arts, Arts Organization; Corine Pearce, Artist Champion; Larry R. Wagner, Individual Champion; Blake More, Educator Champion; and Honorable Mention: MEDIUM Gallery

Recommended Action/Motion:

Adopt Proclamation recognizing the recipients of the 2021 Arts Champion Awards as nominated by the community and selected by the Arts Council of Mendocino County: Black Oak Coffee Roasters, Business Champion; Gualala Arts, Arts Organization; Corine Pearce, Artist Champion; Larry R. Wagner, Individual Champion; Blake More, Educator Champion; and Honorable Mention: MEDIUM Gallery

Previous Board/Board Committee Actions:

The Board of Supervisors annually adopts a Proclamation honoring the recipients of the Arts Champion Awards.

Summary of Request:

The Arts Council of Mendocino County annually honors an artist, an individual, a business, and an educator or school with the distinction of Mendocino County Arts Champion. These individuals and entities have been nominated by the community and selected by the Arts Council of Mendocino County Board of Directors. It is requested that the Board of Supervisors adopt a proclamation recognizing these Art Champions for their accomplishments and contributions to the county.

Alternative Action/Motion:

Do not adopt the Proclamation

How Does This Item Support the General Plan? Principle 2-3f: Collaborate with local communities, agencies, and organizations to promote all aspects of wellness in the county's populations.

Supervisory District: All

vote requirement: Majority

Item #: 4g)

Supplemental Information Available Online At:

[<https://www.artsmendocino.org/programs/art-champion-awards/>](https://www.artsmendocino.org/programs/art-champion-awards/)

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status:Item Status

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.

PROCLAMATION

OF THE

MENDOCINO COUNTY BOARD OF SUPERVISORS

**RECOGNIZING THE RECIPIENTS OF THE 2021 ARTS CHAMPION AWARDS AS
NOMINATED BY THE COMMUNITY AND SELECTED BY THE ARTS COUNCIL OF
MENDOCINO COUNTY: BLACK OAK COFFEE ROASTERS, BUSINESS CHAMPION;
GUALALA ARTS, ARTS ORGANIZATION; CORINE PEARCE, ARTIST CHAMPION;
LARRY R. WAGNER, INDIVIDUAL CHAMPION; BLAKE MORE, EDUCATOR CHAMPION;
AND HONORABLE MENTION: MEDIUM GALLERY**

WHEREAS, the Arts Council of Mendocino County's mission is to promote the arts and cultivate creativity to benefit and enrich the lives of residents and visitors; and

WHEREAS, Black Oak Coffee has been selected as the 2021 Business Arts Champion, having supported more than 100 community organizations making a difference in Mendocino County; and

WHEREAS, Corine Pearce is a 2021 Arts Champion in the Artist category for her tireless work to revitalize local tribal arts and traditions. Her weaving heals and restores both the land and the people, connecting future generations to a living cultural identity; and

WHEREAS, Gualala Arts is a 2021 Arts Champion in the Arts Organization category for its years of diverse arts programming and for never abandoning its mission to support and encourage arts in the community of the South Coast; and

WHEREAS, Larry R. Wagner is the 2021 Mendocino County Arts Champion in the Individual category, for his contributions as a major donor, supporter, and volunteer for the arts over many decades; and

WHEREAS, Blake More is the 2021 Arts Champion in the Educator category for sharing her powerful and engaging talents in literary arts, digital media, performing arts, fashion design and more with thousands of Mendocino County students, and specifically for her work with the California Poets in the Schools, Poetry Out Loud, and the Get Arts in the Schools Program; and

WHEREAS, MEDIUM Gallery is Honorably Mentioned for their grit and determination to open an inviting and professional gallery during the pandemic, for their inclusive vision, and thought-provoking calls for entry.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims November 9th, 2021, as a day to celebrate the recipients of the Arts Council of Mendocino County Arts Champion award.

Dated: November 9th, 2021

Dan Gjerde, Chair

FOR IMMEDIATE RELEASE

October 7, 2021

Contact: Alyssum Wier, Executive Director, Arts Council of Mendocino County,
707.463.2727 or director@artsmendocino.org

Photo captions:

2021 Arts Champion Corine Pearce

2021 Arts Champion Larry Wagner

The Arts Council of Mendocino County Announces 2021 Arts Champions

The Board of Directors of the Arts Council of Mendocino County is pleased to announce the 19th Annual Mendocino County Arts Champion Award recipients. Arts Champions, nominated each year by community members and selected by the Arts Council board, will be formally recognized with a proclamation by the Board of Supervisors on November 9th.

The 2021 Arts Champions in the following categories are: Artist Category: **Corine Pearce**; Arts Organization: **Gualala Arts Center**; Business: **Black Oak Coffee**; Educator: **Blake More**; Individual: **Larry R. Wagner**; Honorable Mention: **MEDIUM Gallery**.

Corine Pearce, Arts Champion in the Artist category, is a basket weaver, herbalist, dancer, storyteller and cultural who has taught classes on basket weaving, traditional uses of native plants, land stewardship, fire ecology, and traditional ecological knowledge for over 25 years. She authored *Pomo Cradle Baskets: An Introduction*, and her basketry has been featured in numerous media articles, art galleries and museum exhibits, including an upcoming collaborative show at the San Francisco de Young Museum (see www.corinepearce.com).

Gualala Arts Center is honored for its years of diverse arts programming, and for rising to the challenges of the pandemic with grace, never abandoning its mission to support and encourage arts in the community of the South Coast. In the words of its nominators, “Gualala Arts implemented online exhibits, outdoor concerts, and kept art alive in our community even during the pandemic,” and “with COVID raging and art centers closing their doors, reimagined itself using low-cost tools to create an online platform, ... dedicated resources to assist artists with the transition to online, (and) shared this acquired knowledge and experience with other arts organizations.”

Black Oak Coffee, the 2021 Business Arts Champion, is an award-winning locally-owned coffee roaster that has supported more than 100 community organizations making a difference in Mendocino County and beyond. In the words of their nominator, “They offer an inviting and well-visited gallery space free of charge to local artists (and) have hosted gallery shows for Advanced Art students from Ukiah High School. This is a place that feels like it belongs to the youth as much as anyone else in our community.”

Blake More, honoree in the Education Category, elevates teaching art and poetry to rock-star status for her students. She radiates energy and skill in a head-spinning number of categories: literary arts, digital media, performing arts, fashion design, clothing construction, and more. She might arrive to lead a Poetry Out Loud workshop in a bedazzled art car, dressed in a hand-made costume. She ignites a passion for poetry recitation at the high school level year after year, calling forth the dreams, hopes, and feelings of students in classrooms throughout the county in original poetry.

Larry R. Wagner, this year's Arts Champion in the Individual Patron category, "lives and breathes supporting the arts" according to his nominator. He has been a major donor, supporter, and volunteer for the arts since moving to Fort Bragg in 1993. Larry has donated thousands of hours over many years as a professional photographer for numerous local not-for-profit organizations including **Symphony of the Redwoods**, **MeCCA** (Mendocino Center for Circus Arts), **Flynn Creek Circus**, **Winesong!**, **Mendocino Music Festival**, and the **Mendocino Film Festival**. He has published three volumes on **Artists of the Mendocino Coast**, and just completed the design of **Lost and Found: Assemblage Artists of Northern California**, presenting the work of eight Mendocino County assemblage artists. He assisted in the development and formation of the Mendocino Promotional Alliance, consulted with the Mendocino Art Center Leadership Team in assuring its survival through the pandemic, and teaches photography classes for MAC and the Mendocino Coast Botanical Gardens.

MEDIUM Gallery, a new exhibition space in Ukiah that presented its first exhibit, *Prologue*, in July 2021, was awarded an Honorable Mention for the grit, determination, and inclusive vision of its three founders: Chris Pugh, (an APMC board member) Lillian Rubie, and Meredith Hudson. In the words of their community nominator, "This group of Inland Mendo locals worked to achieve their goal of a new community space for artists of all levels and styles to share their work free of charge.... They are engaging the community with thought-provoking calls for entry, and it is great to have a fresh place for more art in Ukiah. The more voices we hear and see, the better!"

The Mendocino County Arts Champion Awards are annually announced in October to coincide with National Arts and Humanities Month a coast-to-coast celebration of culture in America. For more information about the Mendocino County Art Champion Awards and other Arts Council of Mendocino County programs and services, visit www.artsmendocino.org or call 707-463-2727.

PROCLAMATION

OF THE

MENDOCINO COUNTY BOARD OF SUPERVISORS

**RECOGNIZING THE RECIPIENTS OF THE 2021 ARTS CHAMPION AWARDS AS
NOMINATED BY THE COMMUNITY AND SELECTED BY THE ARTS COUNCIL OF
MENDOCINO COUNTY: BLACK OAK COFFEE ROASTERS, BUSINESS CHAMPION;
GUALALA ARTS, ARTS ORGANIZATION; CORINE PEARCE, ARTIST CHAMPION;
LARRY R. WAGNER, INDIVIDUAL CHAMPION; BLAKE MORE, EDUCATOR CHAMPION;
AND HONORABLE MENTION: MEDIUM GALLERY**

WHEREAS, the Arts Council of Mendocino County's mission is to promote the arts and cultivate creativity to benefit and enrich the lives of residents and visitors; and

WHEREAS, Black Oak Coffee has been selected as the 2021 Business Arts Champion, having supported more than 100 community organizations making a difference in Mendocino County; and

WHEREAS, Corine Pearce is a 2021 Arts Champion in the Artist category for her tireless work to revitalize local tribal arts and traditions. Her weaving heals and restores both the land and the people, connecting future generations to a living cultural identity; and

WHEREAS, Gualala Arts is a 2021 Arts Champion in the Arts Organization category for its years of diverse arts programming and for never abandoning its mission to support and encourage arts in the community of the South Coast; and

WHEREAS, Larry R. Wagner is the 2021 Mendocino County Arts Champion in the Individual category, for his contributions as a major donor, supporter, and volunteer for the arts over many decades; and

WHEREAS, Blake More is the 2021 Arts Champion in the Educator category for sharing her powerful and engaging talents in literary arts, digital media, performing arts, fashion design and more with thousands of Mendocino County students, and specifically for her work with the California Poets in the Schools, Poetry Out Loud, and the Get Arts in the Schools Program; and

WHEREAS, MEDIUM Gallery is Honorably Mentioned for their grit and determination to open an inviting and professional gallery during the pandemic, for their inclusive vision, and thought-provoking calls for entry.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims November 9th, 2021, as a day to celebrate the recipients of the Arts Council of Mendocino County Arts Champion award.

Dated: November 9th, 2021

Dan Gjerde, Chair



Mendocino County Board of Supervisors Agenda Summary

Item #: 4h)

To: Board of Supervisors

From: Cultural Services Agency

Meeting Date: November 9, 2021

Department Contact: Deborah Fader Samson

Phone: 707-234-2872

Department Contact: Karen Mattson

Phone: 707-459-7699

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Authorization for the Museum to Offer Free Admission to Honor Groups on Specific Holidays or on an Alternate Open Day and on Special Event Days Coordinated with the Roots of Motive Power Organization

Recommended Action/Motion:

Authorize the Museum to offer free admission to honor groups on specific holidays or on an alternate open day and on special event days coordinated with the Roots of Motive Power organization.

Previous Board/Board Committee Actions:

The Board of Supervisors has previously authorized free admission days, such as for Library card holders on September 11, 2018: item 4s; and on the first Saturdays of each month on January 21, 2020: item 4j.

Summary of Request:

In order to honor citizens and celebrants in our community, we would like to offer free admission to the Mendocino County Museum on Veterans' Day, the Fourth of July, Memorial Day, Indigenous People's Day, and Juneteenth on an ongoing basis. We would also like to offer free admission during two popular special events in coordination with the Roots of Motive Power: Holiday Express, which takes place in December, and the Roots of Motive Power Steam-Up, which occurs in September.

Free admission during these events will help to increase attendance and goodwill towards the Museum. It will also underscore the Museum's efforts to educate the community about these days and support efforts of the Board to show respect for people on the adopted holidays. This will have little impact on the Museum budget while serving as a great gesture to our residents and will likely increase donations.

Alternative Action/Motion:

Provide alternate direction to staff.

How Does This Item Support the General Plan? This item supports Principle 2-2c: Promote and enhance the county's tourism and recreational sectors, including tourism tied to historic resources.

Supervisory District: All

Item #: 4h)

vote requirement: Majority

Supplemental Information Available Online At: www.mendocinocounty.org/museum

Fiscal Details:

source of funding: Budget Unit 7110

budgeted in current f/y: N/A

current f/y cost: N/A

if no, please describe:

annual recurring cost: N/A

revenue agreement: N/A

budget clarification: The cost will be negligible - visitors will come who may not have planned on it.

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item **Number:**

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered to Auditor?** Choose an item.



Mendocino County Board of Supervisors Agenda Summary

Item #: 4i)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Department Contact: Juanie Cranmer

Phone: 234.6600

Department Contact: Cherie Johnson

Phone: 463.4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Amending the Position Allocation Table as Follows: Animal Care Services - Budget Unit 2860, Add 1.0 FTE Animal Control Assistant

Recommended Action/Motion:

Adopt Resolution amending the Position Allocation Table as follows: Animal Care Services - Budget Unit 2860, Add 1.0 FTE Animal Control Assistant; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On June 22, 2021, the Board of Supervisors adopted the Master Position Allocation Table for the FY 2021-2022 Budget, Resolution Number 21-090. On August 31, 2021, the Board of Supervisors directed staff to take appropriate steps to transfer Animal Control Services from the Sheriff's Office to Animal Care Services.

Summary of Request:

The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications, and corrections.

The transfer of Animal Control Services from the Sheriff's Office to Animal Care Services is expected result in an increase of telephone calls/dispatching needs that will require one (1) additional Animal Control Assistant; it is anticipated that phone call volume will increase by as much as 3,000 calls annually. Currently Animal Care Services functions with one (1) Animal Control Assistant; in addition to front counter support, this position answers phone calls, enters data, researches animal-owner address information pertaining to calls for service and dispatches calls to the Animal Control Officers, and performs other clerical support as needed. The additional workload related to Animal Control will be more than one (1) person can handle.

The fiscal impacts of adding one full time equivalent (1.0 FTE) Animal Control Assistant (\$31,366.40 - \$38,105.60/annually) shown below are calculated at Step 5, including the cost of benefits.

Alternative Action/Motion:

Do not adopt recommendation and direct staff.

Item #: 4i)

How Does This Item Support the General Plan? This proposed action is supportive of the delivery of programs and services to communities in an integrated, coordinated and equitable manner. This action would be supportive in the ability of the County to deliver services to the public.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Budget Unit 2860

current f/y cost: \$34,881

annual recurring cost: \$64,778

budget clarification: Animal Care will work with EO Budget Team for a budget adjustment.

budgeted in current f/y: No

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered

to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item **Number:**

RESOLUTION NO. 21-_____

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

WHEREAS, the Board of Supervisors has adopted Resolution No. 21-090 which sets forth the classifications, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the desire of the Board of Supervisors to amend said resolution to meet the needs of County service; and

WHEREAS, on August 31, 2021, the Board of Supervisors directed staff to take appropriate action to transition Animal Control Services from the Sheriff's Office to Animal Care Services; and

WHEREAS, the affected departments or agencies have agreed to incorporate the below positions within their existing fiscal year budgets.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Position Allocation Table of Resolution No. 21-090 to be amended as follows:

| ACTION | CLASSIFICATION TITLE | SALARY NO. | BARGAINING UNIT | BIWEEKLY RATE (Reflects Full-time) |
|---------------------------------------|--------------------------|---------------|--------------------|---------------------------------------|
| Animal Care Services Budget Unit 2860 | | | | |
| Add | | | | |
| 1.0 FTE | Animal Control Assistant | 1409 | 101-SEIU | \$1,206.40-\$1,465.60 |

The effective date of this Resolution shall be November 14, 2021, to coincide with the beginning of Pay Period 24-21

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



Mendocino County Board of Supervisors Agenda Summary

Item #: 4j)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Department Contact: Juanie Cranmer

Phone: 234.6600

Department Contact: Cherie Johnson

Phone: 463.4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Amending Position Allocation Table as Follows: Public Health Budget Unit 4010 - (Temporary Grant Funded) Add 1.0 FTE Program Administrator; 1.0 FTE Senior Department Analyst; 1.0 FTE Senior Program Specialist; Public Health - Environmental Health Budget Unit 4011: Add 1.0 FTE Senior Program Specialist; Delete 1.0 FTE Supervising Staff Assistant

Recommended Action/Motion:

Adopt Resolution Amending Position Allocation Table as Follows: Public Health Budget Unit 4010 - (Temporary Grant Funded) Add 1.0 FTE Program Administrator; 1.0 FTE Senior Department Analyst; 1.0 FTE Senior Program Specialist; Public Health - Environmental Health Budget Unit 4011: Add 1.0 FTE Senior Program Specialist; Delete 1.0 FTE Supervising Staff Assistant; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On June 22, 2021, the Board of Supervisors adopted the Master Position Allocation Table for the FY 2021-2022 Budget, Resolution Number 21-090.

Summary of Request:

The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications, and corrections.

Since the Board of Supervisors approved the Fiscal Year 2021-22 Budget in June 2021, Public Health has qualified for several new funding streams via grants through June 2023; this funding requires three full time equivalent (3.0 FTE) new personnel to implement the deliverables. The requested allocations are as follows:

Program Administrator (1.0 FTE); Funding Source: CA Equitable Recovery Initiative (BU 4010); this position will help to develop an equity infrastructure and performance measures for our county, to the state, and be responsible for budget and contract tracking, and will contribute to a statewide assessment tool and implement assessment for Mendocino County, report on program activities.

Senior Department Analyst (1.0 FTE); Funding Source: Public Health Workforce Development Supplemental

Item #: 4j)

Funding (BU 4010); this position will be responsible for oversight of the Workforce Development budget and program whose goal is to improve the workforce within local Public Health Departments in order to improve service and quality of life for Mendocino County residents.

Senior Program Specialist (1.0 FTE); Funding Source: Public Health Workforce Development Supplemental Funding (BU 4010); this position will be responsible for oversight of the program activities whose goal is to increase and improve the workforce within local Public Health Departments in order to improve service and quality of life for Mendocino County residents.

These 3.0 FTE allocations to Public Health Budget Unit 4010 are temporary grant-funded positions and should be deleted upon the end of the grant (June 2023) unless the grant is extended, or the positions are otherwise funded, and approved to remain on the allocation table.

Public Health Environmental Health (Budget Unit 4011) has identified new funding streams through Realignment and Environmental Health fees and requests an additional allocation this position as follows:

Senior Program Specialist (1.0 FTE); Funding Source: Fees and Realignment (BU 4011); this position will be responsible reporting on program activities, performance measures and contract tracking for this budget unit to improve customer service and ensure accountability. This position will improve overall data tracking and analysis, freeing the manager to focus more on the technical environmental aspects of their job. The department is further requesting to delete Position Number 1347, Supervising Staff Assistant (1.0 FTE)

The current year fiscal impacts and the annual recurring costs shown below reflect wages (including cost of benefits) at Step 5 if filled in mid-December 2021 (pay period 26).

Alternative Action/Motion:

Do not adopt and direct staff.

How Does This Item Support the General Plan? This proposed action is supportive of the delivery of programs and services to communities in an integrated, coordinated and equitable manner. This action would be supportive in the ability of the County to deliver services to the public.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Budget Units 4010 and 4011 **budgeted in current f/y:** No

current f/y cost: BU 4010:\$178,567; BU 4011: \$18,830 **if no, please describe:**

annual recurring cost: BU 4010: \$331,607; BU 4011: \$125,387 **revenue agreement:** N/A

budget clarification: BU 4010 Grants; BU 4011 Realignment and EH fees will fund these allocations.

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Item #: 4j)

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.

RESOLUTION NO. 21-_____

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

WHEREAS, the Board of Supervisors has adopted Resolution No. 21-090 which sets forth the classifications, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the desire of the Board of Supervisors to amend said resolution to meet the needs of County service; and

WHEREAS, the affected departments or agencies have agreed to incorporate the positions within their existing fiscal year budgets; and

WHEREAS, as the temporary grant funded 3.0 FTE allocations to Budget Unit 4010 should be removed from the Position Allocation Table upon the June 2023 end of the grants unless grants are extended or the positions are funded from another source and approved to remain on the Position Allocation Table.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Position Allocation Table of Resolution 21-090 to be amended as follows:

| <u>ACTION</u> | <u>CLASSIFICATION TITLE</u> | <u>SALARY NO.</u> | <u>BARGAINING UNIT</u> | <u>BIWEEKLY RATE (Reflects Full-time)</u> |
|--|---------------------------------|-----------------------|----------------------------|---|
| Public Health – Administration Budget Unit 4010: | | | | |
| Add Temporary Grant Funded through June 2023 | | | | |
| 1.0 FTE | Program Administrator | 2942 | 101-SEIU | \$2,764.80-\$3,360.80 |
| 1.0 FTE | Senior Department Analyst | 2842 | 101-SEIU | \$2,719.20-\$3,304.80 |
| 1.0 FTE | Senior Program Specialist | 2655 | 101-SEIU | \$2,333.60-\$2,836.80 |
| Public Health – Environmental Health Budget Unit 4011: | | | | |
| Add | | | | |
| 1.0 FTE | Senior Program Specialist | 2655 | 101-SEIU | \$2,333.60-\$2,836.80 |
| Delete Position Number 1347 | | | | |
| 1.0 FTE | Supervising Staff Assistant | 2017 | 101-SEIU | \$1,613.60-\$1,961.60 |

The effective date of this Resolution shall be November 14, 2021, to coincide with the beginning of Pay Period 24-21

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

DAN GJERDE, Chair
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



Mendocino County Board of Supervisors Agenda Summary

Item #: 4k)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Department Contact: Juanie Cranmer

Phone: 234.6600

Department Contact: Cherie Johnson

Phone: 463.4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Amending Position Allocation Table as Follows: Social Services Budget Unit 5010; Delete 2.0 FTE Department Information Systems Technician; 3.0 FTE Department Information Systems Analyst; Add 2.0 FTE Information Systems Technician II; 1.0 FTE Information Systems Specialist, 1.0 FTE Network Systems Analyst, 1.0 FTE Staff Assistant II; and Approving Reclassification of Incumbents, Including Y-Rating

Recommended Action/Motion:

Adopt Resolution amending Position Allocation Table as follows: Social Services Budget Unit 5010; delete 2.0 FTE Department Information Systems Technician; 3.0 FTE Department Information Systems Analyst; add 2.0 FTE Information Systems Technician II; 1.0 FTE Information Systems Specialist, 1.0 FTE Network Systems Analyst, 1.0 FTE Staff Assistant II; and approving reclassification of incumbents, including Y-rating; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On June 22, 2021, the Board of Supervisors adopted the Master Position Allocation Table for the FY 2021-2022 Budget, Resolution Number 21-090.

Summary of Request:

The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications, and corrections.

Since 2003, in accordance with Policy #22, the County has moved toward eliminating Departmental Information Systems (IS) classifications in favor of utilizing the centralized Information Services Department to provide IS services, or utilizing the centralized IS classifications (rather than departmental specific classifications) if IS positions are allocated in other departments in accordance with Policy #22. This is in an effort to reduce redundancies and create standards related to duties, minimum requirements, reporting structure and work expectations. The two (2) remaining departmental IS classes are Department Information Systems Technician and Department Information Systems Analyst (former Merit Systems classes adopted by the Civil Service Commission in 2015).

Item #: 4k)

These remaining classes are currently allocated only to Social Services Department. It is appropriate for funding purposes that these positions be allocated to Social Services; however, incumbents report to and receive supervision from the centralized Information Services Department. On October 20, 2021, the Civil Service Commission supported and approved the reclassification of two (2) Department Information Systems Technicians to Information Systems Technician II; and the reclassification of one (1) Department Information Systems Analyst to Information Systems Specialist. These reclassifications result the need for the Board to authorize Y-rating the three (3) incumbents at their current pay. In addition to deleting five full time equivalent (5.0 FTE) allocations of Department Information Systems classifications in favor of adding centralized Information Systems classifications, this item calls for the abolishment of the Department Information Systems Technician and Department Information Systems Analyst classifications.

The current year fiscal impacts and the annual recurring costs shown below reflect wages (including cost of benefits) at Step 5 if all proposed allocations were filled in mid-December 2021 (pay period 26).

Alternative Action/Motion:

Do not adopt and direct staff.

How Does This Item Support the General Plan? This proposed action is supportive of the delivery of programs and services to communities in an integrated, coordinated and equitable manner. This action would be supportive in the ability of the County to deliver services to the public.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/A

Fiscal Details:

source of funding: Budget Unit 5010

current f/y cost: (\$85,280) *Savings*

annual recurring cost: \$596,382

budget clarification: These positions are funded with non-General Fund dollars.

budgeted in current f/y: Yes

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item Number:

RESOLUTION NO. 21-_____

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

WHEREAS, the Board of Supervisors has adopted Resolution No. 21-090 which sets forth the classifications, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the desire of the Board of Supervisors to amend said resolution to meet the needs of County service; and

WHEREAS, the affected departments or agencies have agreed to incorporate the positions within their existing fiscal year budgets; and

WHEREAS, on October 20, 2021, the Civil Service Commission approved the reclassification of two (2) Department Information Systems Technician to Information Systems Technician II and the reclassification of one (1) Department Information Systems Analyst to Information Systems Specialist and the abolishment of Department Information Systems Technician and Department Information Systems Analyst classifications; and

WHEREAS, the impact of the reclassifications of Department Information Systems Technician and Department Information Systems Analyst incumbents results in the need for the Board to authorize the Y-rating of three (3) incumbents.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Position Allocation Table of Resolution 21-090 to be amended as follows:

| ACTION | CLASSIFICATION TITLE | SALARY NO. | BARGAINING UNIT | BIWEEKLY RATE (Reflects Full-time) |
|--|---|---------------|--------------------|---------------------------------------|
| Social Services Budget Unit 5010: Reclassify Incumbents and Delete: | | | | |
| 2.0 FTE | Department Information Systems Technician (PN3890; PN3891) | 2445 | 101-SEIU | \$2,273.60-\$2,763.20 |
| 3.0 | Department Information Systems Analyst (PN3887; PN3889 [vacant]; PN4345 [vacant]) | 3118 | 101-SEIU | \$2,952.00-\$3,588.00 |
| Add: | | | | |
| 2.0 FTE | Information Systems Technician II | 2400 | 101-SEIU | \$2,179.20-\$2,648.80 |
| 1.0 FTE | Information Systems Specialist | 2643 | 101-SEIU | \$2,401.60-\$2,919.20 |
| 1.0 FTE | Network Systems Analyst II | 3116 | 101-SEIU | \$2,948.00-\$3,582.40 |
| 1.0 FTE | Staff Assistant II | 1627 | 101-SEIU | \$1,393.60-\$1,693.60 |

Abolish Classifications:

Department Information Systems Technician

Department Information Systems Analyst

The effective date of this Resolution shall be November 14, 2021, to coincide with the beginning of Pay Period 24-21

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

DAN GJERDE, Chair
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



Mendocino County Board of Supervisors Agenda Summary

Item #: 4l)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Department Contact: Juanie Cranmer

Phone: 234.6600

Department Contact: Cherie Johnson

Phone: 463.4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Amending Position Allocation Table as Follows: Public Health Budget Unit 4010, Delete 1.0 FTE Senior Program Specialist, Add 1.0 FTE Program Administrator; Alcohol and Other Drug Programs (SUDT) Budget Unit 4012, Add 1.0 FTE Program Administrator; Mental Health Services Act Budget Unit 4051, Delete 1.0 FTE Mental Health Clinical Manager; Mental Health (BHRS) Budget Unit 4050, Add 1.0 FTE Senior Program Manager

Recommended Action/Motion:

Adopt Resolution amending Position Allocation Table as follows: Public Health Budget Unit 4010, delete 1.0 FTE Senior Program Specialist, add 1.0 FTE Program Administrator; Alcohol and Other Drug Programs (SUDT) Budget Unit 4012, add 1.0 FTE Program Administrator; Mental Health Services Act Budget Unit 4051, delete 1.0 FTE Mental Health Clinical Manager; Mental Health (BHRS) Budget Unit 4050, add 1.0 FTE Senior Program Manager; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On June 22, 2021, the Board of Supervisors adopted the Master Position Allocation Table for the FY 2021-2022 Budget, Resolution Number 21-090.

Summary of Request:

The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications, and corrections.

As part of the restructuring of the Health and Human Services Agency (HHSA), changes to allocations is necessary in order for work to be performed in a more streamlined manner and to provide level of oversight needed for program efficiencies. Budget Unit 4012 - Alcohol and Other Drugs Programs (SUDT) has need of a Program Administrator. The position will be funded by Behavioral Health Recovery Service (BHRS) funds for services to BHRS-SUDT clients. This position is funded by Substance Abuse Prevention and Treatment (SABG). The department has identified a vacant Senior Program Specialist position to delete in favor of adding the Program Administrator. Additionally, Budget Unit 4050 - Mental Health (BHRS) is in need of Senior Program Manager to provide management oversight to BHRS QA/QI and Compliance. The department has

Item #: 4l)

identified a vacant Mental Health Clinical Manager to delete in favor of the Senior Program Manager. This position is funded by Realignment funds.

The current year fiscal impacts and the annual recurring costs shown below reflect wages (including cost of benefits) at Step 5 if filled in mid-December 2021 (pay period 26).

Alternative Action/Motion:

Do not adopt and direct staff.

How Does This Item Support the General Plan? This proposed action is supportive of the delivery of programs and services to communities in an integrated, coordinated and equitable manner. This action would be supportive in the ability of the County to deliver services to the public.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Budget Units 4012 and 4050 **budgeted in current f/y:** Yes

current f/y cost: BU 4012: \$13,883 (*Savings*); BU 4050: **if no, please describe:**

\$5,008 (*Savings*)

annual recurring cost: BU 4012: \$151,169; BU 4050: **revenue agreement:** N/A

\$187,872

budget clarification: These allocations are funded through Realignment and SABG.

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered

to Auditor? Choose an item.

Final Status: Item Status

Executed Item Type: item Number:

RESOLUTION NO. 21-_____

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

WHEREAS, the Board of Supervisors has adopted Resolution No. 21-090 which sets forth the classifications, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the desire of the Board of Supervisors to amend said resolution to meet the needs of County service; and

WHEREAS, the affected departments or agencies have agreed to incorporate the positions within their existing fiscal year budgets; and

WHEREAS, as part of the restructuring of Health and Human Services Agency to stand-alone departments, the changes incorporated herein enable Behavioral Health Recovery Services (BHRS) and Substance Use Disorder Treatment (SUDT) to provide programmatic oversight to services and programs, and Quality Assurance/Quality Improvement.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Position Allocation Table of Resolution 21-090 to be amended as follows:

| ACTION | CLASSIFICATION TITLE | SALARY NO. | BARGAINING UNIT | BIWEEKLY RATE (Reflects Full-time) |
|---|--------------------------------|---------------|--------------------|---------------------------------------|
| Public Health – Administration Budget Unit 4010: | | | | |
| Delete (Position Number 3807 – vacant) | | | | |
| 1.0 FTE | Senior Program Specialist | 2655 | 101-SEIU | \$2,333.60-\$2,836.80 |
| Alcohol and Other Drug Program (SUDT) Budget Unit 4012: | | | | |
| Add | | | | |
| 1.0 FTE | Program Administrator | 2942 | 101-SEIU | \$2,764.80-\$3,360.80 |
| Mental Health Services Act Budget Unit 4051: | | | | |
| Delete (Position Number 3721 – vacant) | | | | |
| 1.0 FTE | Mental Health Clinical Manager | 4125 | 303-MGT | \$3,669.60-\$4,460.00 |
| Mental Health (BHRS) Budget Unit 4050 | | | | |
| Add | | | | |
| 1.0 FTE | Senior Program Manager | 3688 | 303-MGT | \$3,496.00-\$4,249.60 |

The effective date of this Resolution shall be November 14, 2021, to coincide with the beginning of Pay Period 24-21

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



Mendocino County Board of Supervisors Agenda Summary

Item #: 4m)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Department Contact: Juanie Cranmer

Phone: 234.6600

Department Contact: Cherie Johnson

Phone: 463.4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Amending Position Allocation Table as Follows: Transfers, Including Add/Deletes of Positions from Health and Human Services Agency Budget Unit 5020 to Social Services Budget Unit 5010, Mental Health Budget Unit 4050 and Public Health Budget 4010

Recommended Action/Motion:

Adopt Resolution Amending Position Allocation Table as Follows: Transfers, including Adds/Deletes of Positions from Health and Human Services Agency Budget Unit 5020 to Social Services Budget Unit 5010, Mental Health Budget Unit 4050 and Public Health Budget 4010; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On June 22, 2021, the Board of Supervisors adopted the Master Position Allocation Table for the FY 2021-2022 Budget, Resolution Number 21-090.

Summary of Request:

The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications, and corrections.

With the restructuring of the Health and Human Services Agency (HHSA) this item recommends positions allocated to Budget Unit 5020 HHSA - Administration be transferred to Budget Units 5010, 4010 and 4050, per the attached Resolution.

With regard to fiscal impacts of the transferred positions, in general, these positions were budgeted during FY 2021-22 in Budget Unit 5020; due to funding source(s), these positions have little to no impact on Net County Cost. The fiscal impacts shown below are calculated at Step 5 and include the cost of benefits.

Alternative Action/Motion:

Do not adopt and direct staff.

How Does This Item Support the General Plan? This proposed action is supportive of the delivery of

Item #: 4m)

programs and services to communities in an integrated, coordinated and equitable manner. This action would be supportive in the ability of the County to deliver services to the public.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Budget Unit 5010, 4050, 4010 **budgeted in current f/y:** Yes

current f/y cost: BU 5010: \$68,531 (Savings); BU 4050: **if no, please describe:**

\$185,125; BU 4010: \$86,746(Savings)

annual recurring cost: BU 5010: \$1,410,312; BU 4050: **revenue agreement:** N/A

\$343,805; BU 4010: \$459,150

budget clarification: Non-General Fund; requires transfer of funds from Budget Unit 5020

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:

RESOLUTION NO. 21-_____**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO**

WHEREAS, the Board of Supervisors has adopted Resolution No. 21-090 which sets forth the classifications, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the desire of the Board of Supervisors to amend said resolution to meet the needs of County service; and

WHEREAS, the Health and Human Services Agency consisting of Social Services, Mental Health/Behavioral Health and Public Health branches will be restructured and return to three (3) stand-alone departments; and

WHEREAS, the affected departments or agencies have agreed to incorporate the positions within their existing fiscal year budgets.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Position Allocation Table of Resolution 21-090 to be amended as follows:

| ACTION | CLASSIFICATION TITLE | SALARY NO. | BARGAINING UNIT | BIWEEKLY RATE (Reflects Full-time) |
|--|---|-----------------------|----------------------------|---|
| Transfer from HHSA Budget Unit 5020 to Social Services Budget Unit 5010: | | | | |
| 1.0 FTE | Account Specialist Supervisor (PN738) | 2164 | 101-SEIU | \$2,012.00-\$2,446.40 |
| 1.0 FTE | Administrative Secretary (PN4184 - vacant) | 2172 | 101-SEIU | \$1,843.20-\$2,240.00 |
| 1.0 FTE | Department Analyst II (PN3519 - vacant) | 2577 | 101-SEIU | \$2,446.40-\$2,997.60 |
| 2.0 FTE | Senior Department Analyst (PN3516; PN4051) | 2842 | 101-SEIU | \$2,719.20-\$3,304.80 |
| 1.0 FTE | Staff Assistant III (PN4279 - vacant) | 1627 | 101-SEIU | \$1,393.60-\$1,693.60 |
| 3.0 FTE | Staff Services Administrator (PN1706; PN2202 - vacant; PN2579) | 2942 | 101-SEIU | \$2,764.80-\$3,360.80 |
| Delete from HHSA Budget Unit 5020: | | | | |
| 2.0 FTE | Account Specialist III (PN2057; PN2713 - vacant) | 1886 | 101-SEIU | \$1,665.60-\$2,024.00 |
| 1.0 FTE | Compliance Manager (PN4308 - vacant) | 3959 | 303-MGT | \$3,167.20-\$3,849.60 |
| 1.0 FTE | Chief Operations Officer-HHSA (PN4059 - vacant) | 5964 | 631-Unrep | \$4,914.40-\$5,974.40 |
| 1.0 FTE | Mental Health Clinician II (PN2097 - vacant) | 2894 | 101-SEIU | \$2,605.60-\$3,168.00 |
| 1.0 FTE | Secretary (PN4050 - vacant) | 1969 | 101-SEIU | \$1,671.20-\$2,031.20 |
| Add to Social Services Budget Unit 5010: | | | | |
| 1.0 FTE | Department Analyst II | 2577 | 101-SEIU | \$2,466.40-\$2,997.60 |
| 1.0 FTE | Sr. Department Analyst | 2842 | 101-SEIU | \$2,719.20-\$3,304.80 |
| 1.0 FTE | Sr. Program Manager | 3688 | 303-MGT | \$3,496.00-\$4,249.60 |
| 1.0 FTE | Social Worker IV-D | 3246 | 101-SEIU | \$2,860.00-\$3,476.80 |
| 1.0 FTE | Staff Assistant II | 1478 | 101-SEIU | \$1,263.20-\$1,535.20 |

| | | | | |
|---------|---------------------------|------|---------|-----------------------|
| 1.0 FTE | Staff Services Manager II | 3845 | 303-MGT | \$3,614.40-\$4,392.80 |
|---------|---------------------------|------|---------|-----------------------|

Transfer from HHSA Budget Unit 5020 to Mental Health Budget Unit 4050:

| | | | | |
|---------|--------------------------------------|------|----------|-----------------------|
| 1.0 FTE | Administrative Secretary (PN4185) | 2172 | 101-SEIU | \$1,843.20-\$2,240.00 |
|---------|--------------------------------------|------|----------|-----------------------|

| | | | | |
|---------|-------------------------------------|------|---------|-----------------------|
| 1.0 FTE | Assistant HHSA Director (PN4088) | 5422 | 303-MGT | \$4,556.00-\$5,538.40 |
|---------|-------------------------------------|------|---------|-----------------------|

Transfer from HHSA Budget Unit 5020 to Public Health Budget Unit 4010:

| | | | | |
|---------|-----------------------------------|------|----------|-----------------------|
| 1.0 FTE | Department Analyst II (PN4280) | 2577 | 101-SEIU | \$2,466.40-\$2,997.60 |
|---------|-----------------------------------|------|----------|-----------------------|

Delete from HHSA Budget Unit 5020:

| | | | | |
|---------|----------------------------------|------|---------|-----------------------|
| 1.0 FTE | HHSA Director (PN3521-vacant) | 7286 | 630-DHA | \$6,472.00-\$7,867.20 |
|---------|----------------------------------|------|---------|-----------------------|

| | | | | |
|---------|---------------------------------------|------|----------|-----------------------|
| 1.0 FTE | Mental Health Clinician II (PN679) | 2894 | 101-SEIU | \$2,605.60-\$3,168.00 |
|---------|---------------------------------------|------|----------|-----------------------|

Add to Public Health Budget Unit 4010:

| | | | | |
|---------|---------------------------|------|---------|-----------------------|
| 1.0 FTE | Staff Services Manager II | 3845 | 303-MGT | \$3,614.40-\$4,392.80 |
|---------|---------------------------|------|---------|-----------------------|

| | | | | |
|---------|-----------------------|------|----------|-----------------------|
| 1.0 FTE | Department Analyst II | 2577 | 101-SEIU | \$2,466.40-\$2,997.60 |
|---------|-----------------------|------|----------|-----------------------|

The effective date of this Resolution shall be November 14, 2021, to coincide with the beginning of Pay Period 24-21

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



Mendocino County Board of Supervisors Agenda Summary

Item #: 4n)

To: Board of Supervisors

From: Human Resources

Meeting Date: November 9, 2021

Department Contact: Juanie Cranmer

Phone: 234.6600

Department Contact: Cherie Johnson

Phone: 463.4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Re-Establishing the Classification and Adopt Salary of Risk Manager \$89,897.60 - \$109,262.40/Annually; and Amending the Position Allocation Table as Follows: General Liability - Budget Unit 0713, Add 1.0 FTE Risk Manager; Delete 1.0 FTE Senior Risk Analyst

Recommended Action/Motion:

Adopt Resolution re-establishing the classification and adopt salary of Risk Manager \$89,897.60 - \$109,262.40/annually; and amending the Position Allocation Table as follows: General Liability - Budget Unit 0713, add 1.0 FTE Risk Manager; delete 1.0 FTE Senior Risk Analyst; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On June 22, 2021, the Board of Supervisors adopted the Master Position Allocation Table for the FY 2021-2022 Budget, Resolution Number 21-090.

Summary of Request:

The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications, and corrections.

The Risk Manager classification has not been utilized by the County since prior to 2007. Since that time, the CEO or Assistant CEO have acted in the capacity of Risk Manager, with executive level oversight of the activities of Risk Management this includes General Liability, Workers Compensation and Safety Program. It is the desire of the Executive Office to re-establish the Risk Manager (updated classification specification attached); reinstating the Risk Manager classification will allow for the delegation of management level oversight of the Risk Management activities to the Risk Manager.

The fiscal impacts of adding one full time equivalent (1.0 FTE) Risk Manager (\$89,897.60 - \$109,262.40/annually) and deleting 1.0 FTE Senior Risk Analyst (\$71,718.40- \$87,172.80/annually) shown below are calculated at Step 5, including the cost of benefits.

Alternative Action/Motion:

Item #: 4n)

Do not adopt recommendation and direct staff.

How Does This Item Support the General Plan?

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: General Liability Budget Unit 0713

current f/y cost: \$19,557 *Increase*

annual recurring cost: \$185,746

budget clarification: N/A

budgeted in current f/y: Yes

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. **Original Agreement Delivered to Auditor?** Choose an item.

Final Status:Item Status

Executed Item Type: item **Number:**

RESOLUTION NO. 21-_____

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

WHEREAS, the Board of Supervisors has adopted Resolution No. 21-090 which sets forth the classifications, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the desire of the Board of Supervisors to amend said resolution to meet the needs of County service; and

WHEREAS, the classification of Risk Manager has been dormant since prior to 2007; and

WHEREAS, the affected departments or agencies have agreed to incorporate below positions within their existing fiscal year budgets.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby adopts the below classification and authorizes the Position Allocation Table of Resolution No. 21-090 to be amended as follows:

| ACTION | CLASSIFICATION TITLE | SALARY NO. | BARGAINING UNIT | BIWEEKLY RATE (Reflects Full-time) |
|--|-------------------------|---------------|--------------------|---------------------------------------|
| Budget Unit 0713 – General Liability: | | | | |
| Re-establish Classification, Adopt Salary Range and Amend Allocation Table - Add | | | | |
| 1.0 FTE | Risk Manager | 5253 | 631-Unrep | \$3,457.60-\$4,202.40 |
| Delete Position No. 4363 | | | | |
| 1.0 FTE | Senior Risk Analyst | 3448 | 631-Unrep | \$3,140.80-\$3,816.80 |

The effective date of this Resolution shall be November 14 2021, to coincide with the beginning of Pay Period 24-21

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 9th day of November, 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



RISK MANAGER

Classification Specification

JOB SUMMARY:

Under administrative direction, plans, organizes, and directs a comprehensive risk management, safety and worker compensation programs; coordinates activities with County divisions and departments; serves as the liaison to the County's third-party administrators for risk management and worker compensation; and performs other related duties as assigned.

DISTINGUISHING CHARACTERISTICS:

This single position, at-will classification reports to the Assistant Chief Executive Officer. The incumbent exercises considerable independent judgment and responsibility in developing and implementing program objectives within a broad framework of general policy. This class is distinguished from Senior Risk Analyst by its management level oversight of the County's Risk Management, including safety and worker compensation programs.

SUPERVISION EXERCISED:

Risk Manager exercises management level supervision over Safety Officers and support staff.

EXAMPLES OF DUTIES AND ESSENTIAL JOB FUNCTIONS:

(Duties may include but are not limited to the following:)

- Administer the County's general liability and property insurance activities including claims administration and loss prevention, administration of the self-insurance fund, worker compensation, safety, fitness for duty and employee return to work programs.
- Carry out supervisory/managerial responsibility in accordance with policies, procedures and applicable laws including interviewing, hiring and training, planning, assigning and directing work; establishing deadlines; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.
- Communicate directly with claimants and facilitate claim resolution.
- Settle claims within authorized limits, recommend settlement above authorized limits; reject claims when appropriate, work with third-party insurance authority to handle subrogation action when applicable, and secure reimbursement of costs where recovery rights exist.
- Review contracts, leases and purchase documents to reduce risk exposure through hold-harmless provisions, bonding or insurance, and advise departments regarding insurance contract requirements.
- Develop, evaluate and implement goals, objectives, policies and procedures for the County's liability, worker compensation and safety programs.
- Survey County equipment, facilities and practices to identify potential liabilities and hazards, identify exposures that contribute to losses, recommend corrective actions including the adoption of financial protection measures through risk transfer, avoidance and retention practices, and serve as a resource and consultant to departments.
- Develop, implement and facilitate activities with other County departments, divisions, third-party administrators, and other outside agencies regarding loss control, risk management, safety, worker compensation, fitness for duty, and return to work issues and programs.
- Prepare and administer risk management and safety budget, participate in developing cost allocation for County's general liability insurance program, and make recommendations for appropriate reserve and contingent liability funding.
- Plan and implement short-term or annual goals, objectives, and strategies for the unit, projects or programs to ensure efficient organization and completion of work.
- Monitor the progress of claims assigned to law firms, investigators or other specialized consultants, assist in the preparation of cases for litigation, and represent the County in hearings and in small claims actions.
- Conduct or direct the conduct of complex studies, prepare technical and administrative reports and recommendations to management and Board regarding claims and recommendations for new or modified programs, policies and procedures relating to risk management and safety.
- Plan, develop, implement and monitor the County's safety program in accordance with state and/or federal regulations.
- Represent the County in matters relating to Cal OSHA; accompany OSHA inspectors on inspections of County facilities, answer questions, record findings, prepare OSHA report results of inspections to appropriate authorities, and initiate and/or recommend corrective action ensure compliance.

- Participate in county-wide emergency preparedness activities.
- Develop and maintain claims administration programs for prompt notification of all losses, handling of losses and subrogation action.
- Consult with County Counsel on legal aspects of potential liability and claims litigation.
- Develop and administer safety programs.
- Interpret, develop, communicate, update and monitor ordinances, policies, procedures, and standards for the department and County; recommend improvement when necessary, and write/revise same.
- Write specifications for the purchase of insurance by bid or negotiation; recommend purchases; and serve as liaison with insurance companies in order to settle claims or renegotiate conditions of the policy.
- Monitor current, newly adopted, and proposed legislation, rules and regulations and disseminates information to department officials and staff regarding same.
- Perform other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

General Office Equipment

Computer

MINIMUM QUALIFICATIONS REQUIRED

Education and Experience:

Bachelor's degree, or equivalent, from an accredited college or university with major coursework in occupational health, safety, industrial hygiene or a related field; **AND** four (4) years of progressively responsible experience in risk management (liability, property and claims management), worker compensation and safety/loss prevention activities including at least two (2) years in a supervisory or management capacity.

SUBSTITUTION: A combination equal to eight (8) years of related education, training and experience performing progressively responsible risk management (liability, property and claims management), worker compensation and safety/loss prevention activities, with at least two (2) years in a supervisory or management capacity,; preferably with a public agency and/or in a risk management program that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Licenses and Certifications:

Valid State Driver's License

Associate Risk Manager (ARM) certificate desirable

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Practices and procedures involved in investigation, evaluation, adjustment and settlement of personal injury, property, liability and worker compensation claims.
- All applicable codes, laws, ordinances, including provisions of California Vehicle Code, Government Code, CalOSHA safety regulations and legal decisions pertaining to personal, property and worker's compensation liability and to safety program and practices.
- Basic occupational safety principles; principles of insurance risk and experience analysis, reserving, accounting and statistical record keeping; principles and practices necessary to prepare risk management budgets.
- Principles and practices necessary to prepare risk management budgets; legal proceedings and protocols governing risk management issues.
- Principles and techniques of injury and illness prevention, employee safety training and hazardous materials handling procedures.
- Administrative principles and methods, including goal setting, program development and implementation and employee supervision.
- Standard office equipment; and basic computer applications and techniques.
- Proper English usage and grammar.
- Basic budgetary principles and practices.
- Governmental financial operations.
- Statistical, financial and actuarial analysis and bid preparation, solicitation and evaluation.
- Computer applications related to the work.

- Record keeping, report preparation, filing methods and records management techniques.
- Methods and techniques of research and report presentation.

Skill in:

- Applying logical thinking to solve problems or accomplish tasks; understand, interpret and communicate complicated policies, procedures and protocols.
- Advanced interpersonal skills to provide effective leadership to subordinate personnel and to develop cooperative working relationships with employees, senior management, elected officials, and the community at large.
- Plan, organize, assign, direct, review and evaluate the work of staff.
- Select and motivate staff and provide for their training and professional development
- Exercising tact, discretion, and sound independent judgment within established policy guidelines and legal constraints
- Analyzing insurance policy provisions.
- Analyzing, classifying and rating risk, exposure and loss expectancies.
- Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.
- Researching, compiling, interpreting and summarizing a variety of informational and statistical data and materials.
- Communicating clearly and effectively, orally and in writing.
- Preparing clear and concise reports, correspondence and other written materials.

Mental and Physical Abilities:

- Plan, develop and coordinate the County's liability, risk management and worker compensation programs; Establish and maintain effective working relationships with others
- Exercise and independently apply sound, unbiased judgment.
- Evaluate and analyze complex issues accurately and take effective action.
- Ability to read, analyze and interpret professional periodicals and journals, technical procedures and government regulations.
- Adjust and settle a wide variety of general liability, property and worker's compensation claims;
- Operate standard office equipment; and utilize various software programs relevant to the position.
- Read, analyze and interpret professional periodicals and journals, technical procedures and government regulations.
- Represent the department and county effectively in meetings including making effective presentations to and facilitating groups.
- Respond to stressful and sensitive situations in a professional and confidential manner.
- Prepare clear, concise, and comprehensive reports, correspondence, and recommendations.
- Understand and carry out written and oral instructions, giving close attention to detail and accuracy.
- Delegate authority to staff.
- Establish and maintain effective working relationships with others.
- Communicate effectively both verbally and in writing.
- Collect, interpret and evaluate data and identify and evaluate variables.
- Formulate policies and plan, coordinate and initiate actions necessary to implement decisions.
- Apply concepts such as fractions, percentages, ratios and proportions to practical situations.
- Write clear, concise and comprehensive reports, correspondence, technical reports and program plans.
- Ability to apply concepts such as fractions, percentages, ratios and proportions to practical situations.
- While performing the essential functions of this job, the incumbent is regularly required to: walk; sit; use hands to finger, handle, or feel objects; reach with hands and arms; speak and hear, and push, pull, move, or lift above and below the neck objects weighing up to 20 pounds.

Working Conditions:

Work is performed in a normal office environment with little exposure to outdoor temperatures or dirt and dust. The incumbent's working conditions are typically moderately quiet.

Incumbents may be required to work weekends, special events, on-call, or outside of normal work schedule.

Incumbents who drive on County business to carry out job-related duties must possess and maintain a valid

California driver's license upon hire for the class of vehicle driven and meet automobile insurability requirements of the County.

Disaster Service Worker - Pursuant to California Government Code Section 3100-3109, all public employees are declared disaster service workers subject to disaster service activities as may be assigned to them in the event of fire, flood, earthquake, or other natural or man-made disaster.

ADDITIONAL INFORMATION:

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

CLASS TITLE: Risk Manager
CLASS CODE: TBD
DEPARTMENT: Executive Office
REPORTS TO: Chief Executive Officer
FLSA STATUS: E
CIVIL SERVICE: No, At-Will
BARGAINING UNIT: Unrepresented
ADOPTED: 11.2000, Rev. 11.2021

History Notes:



Mendocino County Board of Supervisors Agenda Summary

Item #: 40)

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: November 9, 2021

Department Contact: Jessie Waldman

Phone: 707-964-5379

Department Contact: Ignacio Gonzalez

Phone: 707-234-6650

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Authorization of the Issuance of Administrative Coastal Development Permit No. CDP_2020-0026 (Blackmer), to Construct a 405 Square Foot Guest Cottage and Allow for Associated Vegetation Removal, Located at 32857 Leof's Lane, Fort Bragg (APN: 017-350-56)

Recommended Action/Motion:

Authorize the issuance of Administrative Coastal Development Permit No. CDP_2020-0026 (Blackmer), to construct a 405 square foot guest cottage and allow for associated vegetation removal, located at 32857 Leof's Lane, Fort Bragg (APN: 017-350-56).

Previous Board/Board Committee Actions:

In 1991 the Board adopted Division II of Title 20 of Mendocino County Code through Ordinance No. 3785. Included in Division II is Section 20.536.005(C) which provides for reporting of the Coastal Development Administrative Permits approved by the Coastal Permit Administrator to the Board of Supervisors.

Summary of Request:

The request is for an Administrative Coastal Development Permit to construct a 405 square foot guest cottage with a 90 square foot covered porch on a developed parcel, tie in plumbing and electric utilities to existing system. This new structure will be accessory to an existing single-family residence and will be located in the rear yard approximately fifty (50) feet northeast of the existing residence. Included in this request is the removal of vegetation at the proposed guest cottage location.. The subject parcel is located in the Coastal Zone, 4± south of Fort Bragg center, on the east side of Leofs Lane (private), 600± feet south of its intersection with Fir Drive (private); located at 32857 Leofs Lane, Fort Bragg; APN 017-350-56. The Coastal Development Permit was administratively approved by the Coastal Permit Administrator (CPA) on October 25, 2021, and requires the Board of Supervisors authorization for issuance of the permit. The CPA staff report is attached for review.

Alternative Action/Motion:

That the Coastal Development Permit CDP_2020-0026 (Blackmer) be scheduled for a public hearing and processed pursuant to Mendocino County Code Section 20.536.005.

How Does This Item Support the General Plan? Yes, the proposed project, which involves vegetation

Item #: 40)

removal and developing a guest cottage on a developed parcel is consistent with principally permitted uses and accessory uses with the Rural Residential Land Use classifications, per Mendocino County Coastal Element Chapter 2.2.

Supervisory District: District 4

vote requirement: Majority

Supplemental Information Available Online At:

<https://www.mendocinocounty.org/government/planning-building-services/public-notices>

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

IGNACIO GONZALEZ, INTERIM DIRECTOR
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October 25, 2021

PUBLIC NOTICE OF PENDING ACTION
COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

The Mendocino County Coastal Permit Administrator will report proposed issuance of the below described project located in the Coastal Zone to the Mendocino County Board of Supervisors at their regular meeting to be held on November 9, 2021, at 9:00 a.m. or as soon thereafter as the item may be considered.

This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

CASE#: CDP_2020-0026

DATE FILED: 10/14/2020

OWNER/APPLICANT: STEPHEN & SUSAN BLACKMER

AGENT: BRIAN MANNING, OAK SPRINGS STUDIO

REQUEST: Administrative Coastal Development Permit to construct a 405 square feet guest cottage and allow for associated vegetation removal.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 4± south of Fort Bragg center, on the east side of Leofs Lane (private), 600± feet south of its intersection with Fir Drive (private); located at 32857 Leofs Lane, Fort Bragg; APN 017-350-56.

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: JESSIE WALDMAN

As you are an adjacent property owner and/or interested party, you are invited to submit comments. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to bos@mendocinocounty.org, through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>. All written public comment will be made available to the Supervisors, staff, and the general public after processing by Clerk of the Board staff, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>.

For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

Coastal Development Administrative Permits are considered on the consent calendar, and the Board of Supervisors will not conduct a public hearing on this item.

If, at the meeting, at least one (1) member of the Board of Supervisors so requests, the permit shall not go into effect, and it shall be referred back to the Department of Planning and Building Services to be scheduled for a hearing by the Coastal Permit Administrator. Public notice for the time, and place of the public hearing will be provided.

Action on this permit is not appealable to the Coastal Commission. Therefore, the permit will become effective, and action will be final upon approval by the Board of Supervisors. If the permit is referred to the Coastal Permit Administrator the decision of the Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within ten calendar days of the Administrator's action.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Supervisors or the Department of Planning and Building Services at, or prior to, any hearing.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact Clerk of the Board of Supervisors at 707-463-4441 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Clerk of the Board of Supervisors at 707-463-4441, or the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the decision of the Board of Supervisors you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.

IGNACIO GONZALEZ, Interim Director of Planning and Building Services



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT FOR ADMINISTRATIVE CDP**

**OCTOBER 25, 2021
CDP_2020-0026**

SUMMARY

OWNER/APPLICANT: STEPHEN & SUSAN BLACKMER
PO BOX 1293
FORT BRAGG, CA 95437

AGENT: BRIAN MANNING, OAK SPRINGS STUDIO
PO BOX 535
HOPLAND, CA 95449

REQUEST: Administrative Coastal Development Permit to construct a 405 square foot guest cottage and allow for associated vegetation removal.

LOCATION: In the Coastal Zone, 4± south of Fort Bragg center, on the east side of Leofs Lane (private), 600± feet south of its intersection with Fir Drive (private); located at 32857 Leofs Lane, Fort Bragg; APN 017-350-56.

TOTAL ACREAGE: 1.5± Acres

GENERAL PLAN: Rural Residential (RR5(2):R)
5-acre minimum with an alternate density of 2-acre minimum, General Plan, Coastal Element Chapter 2.2

ZONING: Rural Residential (RR5)
Mendocino Coastal Zoning Code

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Class 3, Section 15303

APPEALABLE: NO

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JESSIE WALDMAN

BACKGROUND

PROJECT DESCRIPTION: An Administrative Coastal Development Permit to construct a 405 square foot guest cottage with a 90 square foot covered porch on a developed parcel, tie in plumbing and electric utilities to existing system. This new structure will be accessory to an existing single-family residence and will be located in the rear yard approximately fifty (50) feet northeast of the existing residence. Included in this request is the removal of vegetation at the proposed guest cottage location.

APPLICANT'S STATEMENT: *"New guest cottage to be built in the back yard of the existing house. Well and septic connected to existing home system. Remove vegetation at new guest cottage."*

RELATED APPLICATIONS:

On-Site:

- F2017 – Single-family residence (1976)
- F4742 – Addition to existing single-family residence (1981)
- F4849 – Addition to existing single-family residence (1981)

- F7339 – Garage/storage (1985)
- BF_2006-0241 – Addition to existing single-family residence (2006)
- BF_2021-0648 – Roof Mount Solar at single-family residence (2021)

Adjacent Parcels:

- APN: 017-350-55 Calvo Exclusion (single family residence)
- APN: 017-350-22 Calvo Exclusion (single family residence)
- APN: 017-350-48 Calvo Exclusion (single family residence)
- APN: 017-350-40 Calvo Exclusion (single family residence)

SITE CHARACTERISTICS: The 1.5± acre subject parcel is located on the east side of Leofs Lane (private), 600± feet south of Fir Drive (private), as shown on the *Location Map*. Access to the site is provided by private roads from Brookfield Drive (CR 450), east of State Route 1 (SR 1). Existing development on the subject parcel consists of a single-family residence developed in 1975, and a detached garage constructed in 1985. Other existing development includes accessory structures such as covered and uncovered decking, wood storage sheds, a greenhouse and pump shed. The proposed project will be served with existing on-site utilities, including electricity and an existing on-site well and septic system serving the existing residence.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR), where the adjacent parcels are developed with residential uses, as shown on the *Aerial Imagery, General Plan Classifications* and *Local Coastal Program (LCP) Land Use Map 14: Beaver* maps. The proposed guest cottage and ancillary development are consistent with the surrounding land uses and development.

| Table 1: Surrounding Land Use and Zoning | | | | |
|--|------------------------|--------------------------------|------------|-------------|
| | GENERAL PLAN | ZONING | LOT SIZES | USES |
| NORTH | Rural Residential (RR) | Rural Residential (RR:5 {RR:2} | 3± Acres | Residential |
| EAST | Rural Residential (RR) | Rural Residential (RR:5) | 10± Acres | Vacant |
| SOUTH | Rural Residential (RR) | Rural Residential (RR:5 {RR:2} | 1.5± Acres | Residential |
| WEST | Rural Residential (RR) | Rural Residential (RR:5 {RR:2} | 1.3± Acres | Residential |

PUBLIC SERVICES:

ACCESS: LEOFS LANE (PRIVATE)
FIRE DISTRICT: CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CALFIRE); AND FORT BRAGG RURAL FIRE PROTECTION DISTRICT (FBFD)
WATER DISTRICT: NONE
SEWER DISTRICT: NONE
SCHOOL DISTRICT: FORT BRAGG UNIFIED SCHOOL DISTRICT

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development of a guest cottage and vegetation removal is consistent with the goals and policies of the Local Coastal Program, General Plan and Zoning Code as detailed below:

Land Use: The project site is located within the boundaries of the Local Coastal Program (LCP) area and is shown on the *LCP Land Use Map 14: Beaver* map. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map. The Coastal Element Chapter 2.2 Rural Residential classification states:

... is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a

growth area and residences should be located as to create minimal impact on agricultural viability.

The existing single-family residence is a principally permitted use and is consistent with Coastal Element Chapter 2.2. The proposed project is to construct a single story accessory structure as a guest cottage. Accessory uses are permitted in the Rural Residential zoning district, subject to the Accessory Use Regulations of MCC Chapter 20.456. Guest cottages are specifically included in the definition of permitted accessory structures. Typically, at this location within the coastal zone, the development of a structure accessory to a single-family residence would not require a coastal development permit. However, guest houses or self-contained residential units are specifically not exempt from a coastal development permit, pursuant of Public Resources Code Section 30610(a), Subchapter 6 - 13250.

The proposed project to develop an accessory structure to be used as a guest cottage, is consistent with principally permitted uses and ancillary development with the Rural Residential Land Use classifications, per Mendocino County Coastal Element Chapter 2.2.

Zoning: The project site is located within the Rural Residential (RR) zoning district. The RR district, per Mendocino County Code (MCC) Section 20.376.005, states:

... [the RR zoning district] is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.

The proposed project is to construct a single story accessory structure as a guest cottage. Accessory uses are permitted in the Rural Residential zoning district, subject to the Accessory Use Regulations of MCC Chapter 20.456.

The proposed development will be located at the rear yard of the subject parcel, as shown on the *Site Plan*. The proposed project will comply with the minimum property line setback requirements for the RR District, which are twenty (20) feet for front and rear yards, and six (6) feet for side yards. As the parcel is located on Leof's Lane (private) where the private road serves less than five(5) additional parcels beyond the subject parcel, a corridor preservation setback is not required for the proposed project, per the General Provisions an Exceptions District of MCC Section 20.444.020. As currently proposed, the guest cottage is consistent with the yard setbacks for the RR District. The proposed project is consistent with the maximum allowed building height, which is 28 feet above natural grade. The proposed average building height is sixteen (16) feet above natural grade. A minimum of two (2) off-street parking spaces are required and seven (7) spaces are existing, and the site has adequate capacity for the required parking. The proposed project is consistent with the maximum allowed lot coverage, which is twenty (20) percent, where the proposed development will result in six (8.5) percent, leaving fourteen (11.5) percent remaining.

Guest cottages are compatible with the RR district and designated as permitted accessory uses, per MCC Chapter 20.456, which states the following:

"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 (pertinent part):

(G) Accessory Living Unit. Not more than one accessory living unit for each legal parcel."

An "Accessory Living Unit" as defined in MCC Section 20.308.020 is as follows (pertinent part):

"...a detached bedroom as defined in Section 20.308.035(B) or a guest cottage as defined in Section 20.308.050(I)."

A “Guest Cottage” is defined, per MCC Section 20.308.050(I), which states:

“...a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.”

The proposed guest cottage is 405 square feet, with an attached 86 square foot entry porch. **Condition 10** is recommended to ensure the guest cottage will not have a kitchen, or cooking facilities, will be clearly subordinate, and incidental to the primary dwelling, and will not be separately rented, let, or leased whether compensation be direct or indirect.

With added conditions, the project will conform to development standards of MCC Chapters 20.376, 20.456, 20.472 and 20.532 of Division II of Title 20 of MCC.

Visual Resources: The site is not mapped as a Highly Scenic Area, therefore, the proposed development is subject to only to the Policy 3.5-1 of the Coastal Element, which states:

“The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...”

The proposed residence would not be visible from State Route 1, or any park, beach or recreation areas and would not be out of character with surrounding development. With an average building height of 16 feet 10 inches, the residence complies with the 28 foot height limitation.

Condition 11 is recommended to require an exterior finish schedule for proposed materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino County Coastal Element Policies 3.5-1 and Section 20.488.015(C) of the Mendocino County Code (MCC).

Condition 12 is recommended to require exterior lighting to be kept to the minimum necessary for safety and security purposes, be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Mendocino County Coastal Element Policies 3.5-1 and MCC Section 20.504.035.

With added conditions, the proposed project will not increase view obstruction from nearby public areas and is visually compatible with the character of surrounding areas and will be consistent with Mendocino County Coastal Element Policies 3.5-1 and MCC Chapters 20.488 and 20.504 regulations for parcels to be developed along the ocean and scenic coastal areas.

Habitats and Natural Resources: Coastal Element Policy 3.14 and Mendocino County Code address Environmentally Sensitive Habitat Areas (ESHA). MCC Chapter 20.496 states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures. The parcel is mapped as Coastal Prairie Grasslands land, as shown on the *LCP Habitat and Resources* map. The proposed project was referred to California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW) prior to the *Biological Wildlife Survey Assessment*, where CCC did not response and CDFW did recommend a survey be conducted.

A *Biological Wildlife Survey Assessment*, including both biological and botanical assessments, by Oak Springs Studio, Brian Manning (*Manning, 2021*) was completed for the proposed project in April 2021. Manning’s assessment took into consideration the proposed development including the construction of the guest cottage and the 432 square feet of proposed vegetation removal. The assessment found no

Environmentally Sensitive Habitat Area (ESHA), including but not limited to wetlands and rare and endangered plant and animal species on the subject parcel (Manning, 2021).

Without additional conditions, the proposed project will would not significantly impact sensitive habitats or resources and is consistent with MCC Chapter 20.496 and 20.532 regulations.

Hazards Management: The property is in an area of “Very High Fire Hazard” severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire), and the Fort Bragg Rural Fire Protection District (FBFD). A State Fire Safe Regulations Application Form, CalFire File Number 350-20, was issued for the project. The proposed project was referred to multiple fire protection agencies, where FBFD and CalFire – Prevention had no comment. CalFire – Land Management responded with comments for parcels zoned as Timberland per CalFire specific to any proposed timber operations, or removal of commercial tree species. **Condition 4 and 5** will require the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, which ensures any fire protection policy or plan will be addressed.

With added conditions, the proposed project is consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunamis, landslides, and erosion), fire and flood hazards.

Archaeological/Cultural Resources: The proposed development was referred to Mendocino County Archaeological Commission (ARCH) and Northwest Information Center at Sonoma State University (SSU). SSU recommended a cultural resources survey be conducted. An Archaeological Survey Report, prepared by Brian Manning, of Oak Springs Studio, dated February 9, 2021, was prepared. The report was presented to ARCH, on July 14, 2021, where the survey and its recommendations were accepted. Since resources were not identified in the survey, the Archaeological Commission recommended **Condition 8**. Staff notes that **Condition 8** advises the property owners of a, “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project.

Per the recommendation within the Archaeological Survey Report, **Condition 9** is recommended to require annotation be on construction drawings where either Brian Manning of Oak Spring Studios or a qualified consultant be present during foundation construction.

The project was referred to three local tribes for review, and comment, including Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Rancheria. As of this date, no response has been received from the tribes.

With added conditions, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

Groundwater Resources: The project site is located within a mapped Marginal Water Resources Area, as shown on the *Ground Water Resources* map. The proposed development will have access to an existing well and septic system serving the existing residence. The proposed project was referred to Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic, where DEH responded with no objections to the proposed development, stating that a finalized septic permit (ST27334) is on file and is adequate for the guest cottage. DEH also commented that no water requirements are to be satisfied as the guest cottage will not have a kitchen. **Conditions 4 and 5** are recommended requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed.

With added conditions, the proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH regulations.

Grading, Erosion, and Run Off: The area of the proposed guest cottage is relatively flat with gentle sloping towards the west, perpendicular to Leofs Lane (private), where some grading will be required to accommodate the proposed development. Also included within the proposed project is to remove

approximately 432 sq. ft. of vegetation to accommodate the guest cottage. If the amount of grading requires a permit from the Building Division, the Coastal Permit Administrator or their designee shall review and approve the grading permit to determine its consistency with MCC Chapter 20.492 regulations. Grading activities may include maintaining driveway and parking areas and any work associated with the construction of the guest cottage shall comply with MCC Chapters 20.492 regulations. **Conditions 4 and 5** requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction; this ensures any grading, erosion and runoff protection and hazard area policies or plans will be addressed.

With added conditions, the proposed project is consistent with MCC Chapter 20.492 regulations for Grading, Erosion and Runoff Standards.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Access to the site is provided by multiple private roads, via Fir Drive and Leof's Lane, accessed from Brookfield Drive (CR 450), east of State Route 1 (SR 1). The Mendocino County Department of Transportation had no comments on the proposed project.

Without added conditions, the project is consistent with MCC Chapter 20.516 regulations and policies for transportation, circulation, utilities, and public services protection.

ENVIRONMENTAL DETERMINATION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the proposed accessory structure, a guest cottage, meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Section 15303, Class 3(e), which reads "the new construction of small structures, such as accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences."

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, Staff recommends the Coastal Permit Administrator approves the proposed project to remove approximately 432 sq. ft. of vegetation and construct a guest cottage and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project to remove approximately 432 sq. ft. of vegetation and construct a guest cottage is in conformity with the certified Local Coastal Program, as demonstrated by this staff report. The proposed development to remove approximately 432 sq. ft. of vegetation and construct a guest cottage are accessory permitted uses to parcels consisting of existing principally permitted uses within the Coastal Rural Residential land use classification and are consistent with the intent of the Rural Residential Classification which allows for accessory uses to be developed; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development to remove approximately 432 sq. ft. of vegetation and construct a guest cottage would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed project will be served with existing on-site utilities. The subject parcel is served by an existing private gravel road accessed by Leofs Lane (private). The establishment of a County approved well and septic system on-site septic system is existing; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development to remove approximately 432 sq. ft. of vegetation and construct a guest cottage is consistent with the purpose and intent of the Rural Residential Zoning District and Accessory Use Regulations, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rural Residential (RR) Zoning District by allowing accessory development to the principally permitted uses in the RR Zoning District. The intent of the RR zoning district is *to encourage and preserve local*

small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability; and

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed project to remove approximately 432 sq. ft. of vegetation and construct a guest cottage is categorically exempt pursuant to Article 19, Section 15303, Class 3(e), and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development to remove approximately 432 sq. ft. of vegetation and construct a guest cottage will not have any adverse impact on any known archaeological or paleontological resources. An archaeological resource search was conducted at the sites of development and a report prepared indicating no resources would be impacted by the proposed development. The project was reviewed by the Archaeological Commission at their July 2021 meeting with the survey ultimately being accepted with the recommendations adopted as conditions, in addition to the Discovery Clause. As proposed, the project would be compliant with Sections 20.532.095(A)(5) and 22.12 of the Mendocino County Code; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The proposed project to remove approximately 432 sq. ft. of vegetation and construct a guest cottage are not anticipated to significantly affect demands on public services. The subject parcel and proposed development will be served the existing services, including PG&E, an on-site production well and septic system and these services are adequate.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits, and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development to remove approximately 432 sq. ft. of vegetation and construct a guest cottage from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required permits for the proposed development to remove approximately 432 sq. ft. of vegetation and construct a guest cottage as required by the Building Inspection Division of the Department of Planning and Building Services and Mendocino County Department of Environmental Health.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Prior to issuance of a building permit for the guest cottage in reliance of this Coastal Development Permit, as recommended within the Archaeological Survey Report, prepared by Brian Manning of Oak Spring Studio, the construction drawings shall state the following:
 - a. "If any evidence of Native American human remains, and associated funerary objects, ancient stone tools, ancient charcoal fire pit, or building foundations ruin is encountered during foundation excavations all will stop and the Native American Heritage Commission will be notified regarding the find. Brian Manning of Oak Spring Studios or a qualified professional shall be present during foundation excavations."
10. Prior to issuance of a building permit for the guest cottage in reliance of this Coastal Development Permit, the applicants shall execute and record a deed restriction stating that the guest cottage shall not contain facilities, either permanent or temporary and portable, for the cooking or preparation of food, shall not be used as an independent dwelling unit until such time as appropriate permits are obtained, shall be clearly incidental and subordinate to the primary dwelling on the parcel, and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I). The property owner has the ability to convert the guest cottage for use as an accessory dwelling unit if regulations are adopted in the future to permit second residences within the Coastal Zone. Such a conversion shall only be allowed after securing all required permits to allow such a use.
11. Prior to issuance of a Building Permit, the property owner shall furnish exterior finish schedule consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.015(C), for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
12. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.035, for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
13. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR
COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

CDP_2020-0026
PAGE 9

Staff Report Prepared by:

10-22-2021

DATE

(JW) WALDMAN J

JESSIE WALDMAN
PLANNER II

10-25-2021

DATE

[Signature]

IGNACIO GONZALEZ
INTERIM DIRECTOR

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- | | |
|---------------------------------|---|
| A. Location Map | J. LCP Land Use Map 14: Beaver |
| B. Aerial Map (Vicinity) | K. LCP Land Capabilities & Natural Hazards |
| C. Aerial | L. LCP Habitats & Resources |
| D. Topographical Map | M. Appealable Areas |
| E. Site Plan | N. Adjacent Parcels |
| F. Floor Plan | O. Fire Hazard Zones & Responsibility Areas |
| G. Elevations | P. Groundwater Resources |
| H. Zoning Display Map | Q. Biological Wildlife Survey Assessment |
| I. General Plan Classifications | (Manning, 2021) |

SUMMARY OF REFERRAL AGENCIES COMMENTS:

| | |
|--|-------------|
| Air Quality management District | Comments |
| Archaeological Commission | Comments |
| Assessor's Office | No Comment |
| Building Division (FB) | No Comment |
| CALFIRE (Land Use) (Case Number 350-20) | No Comment |
| CALFIRE (Resource Management) (Case Number 350-20) | Comments |
| California Coastal Commission (CCC) | No Response |
| California Department of Fish and Wildlife (CDFW) | Comments |
| Cloverdale Rancheria | No Response |
| Department of Environmental Health (DEH) | No Comment |
| Department of Transportation (DOT) | No Comment |
| Environmental Health (EH)(FB) | No Response |
| Fort Bragg Rural Fire Protection District (FBFD) | No Comment |
| Planning Division (Ukiah) | Comments |
| Redwood Valley Rancheria | No Comment |
| Regional Water Quality Control Board | Comments |
| Sherwood Valley Rancheria | No Response |
| Sonoma State University | Comments |

REFERENCES:

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed August 13, 2021, at:

<https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element>

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed August 13, 2021, at:

https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20_ZOOR_DIVIIMECOCOZOCO

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 14 – Beaver [map]. 1985. Accessed August 13, 2021, at:

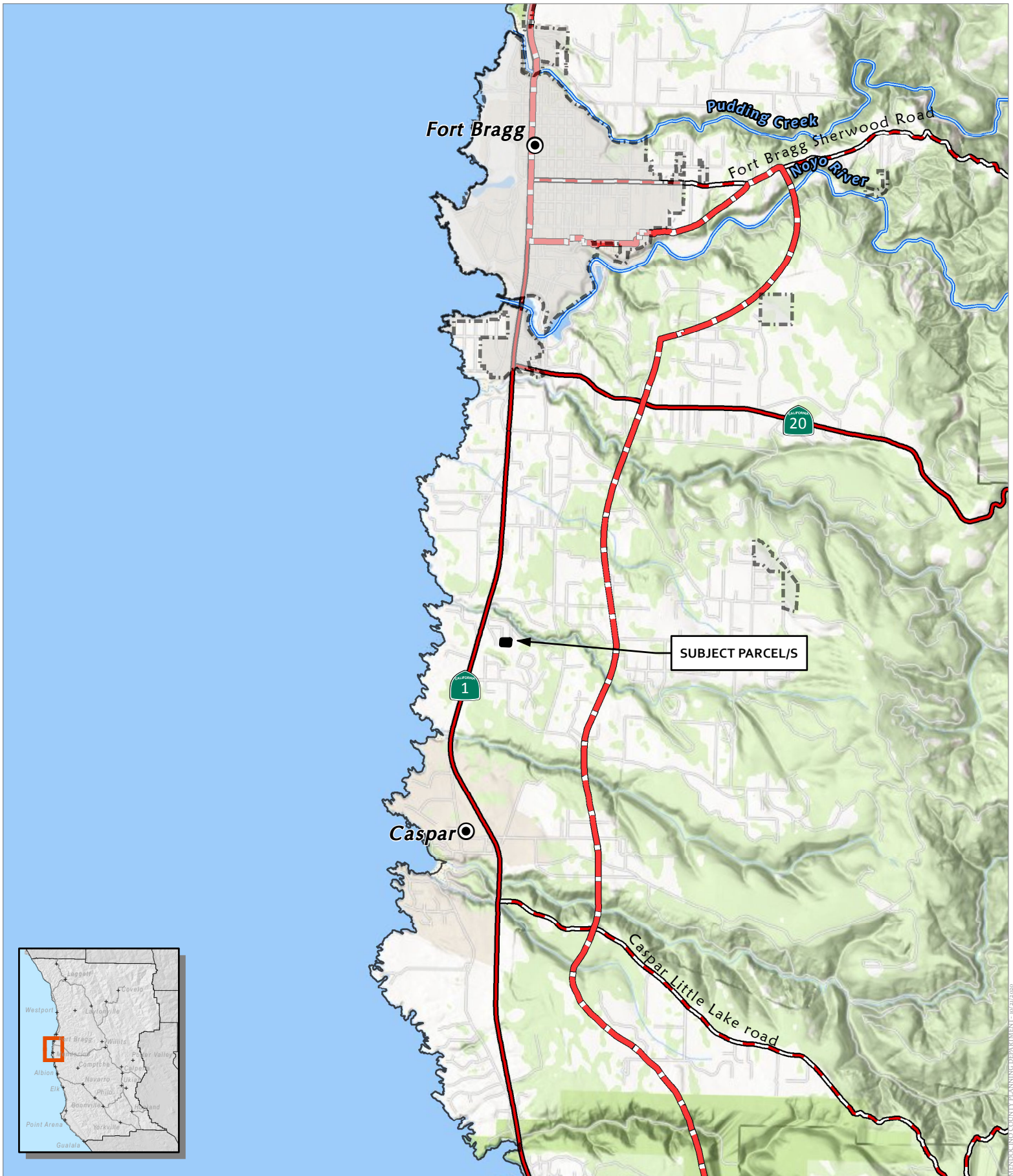
<https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps>.

Mendocino County Department of Planning & Building Services. June 2011. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed August 13, 2021, at:

https://www.mendocinocounty.org/government/planning/Fire_Hazard_Severity_Map.pdf.




Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed August 13, 2021, at:

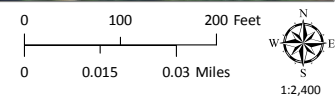
http://www.co.mendocino.ca.us/planning/pdf/12x36_Coastal_Groundwater_Areas.pdf.





CASE: CDP 2020-0026
OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

-  Named Rivers
-  Public Roads
-  Private Roads

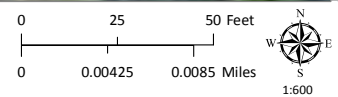




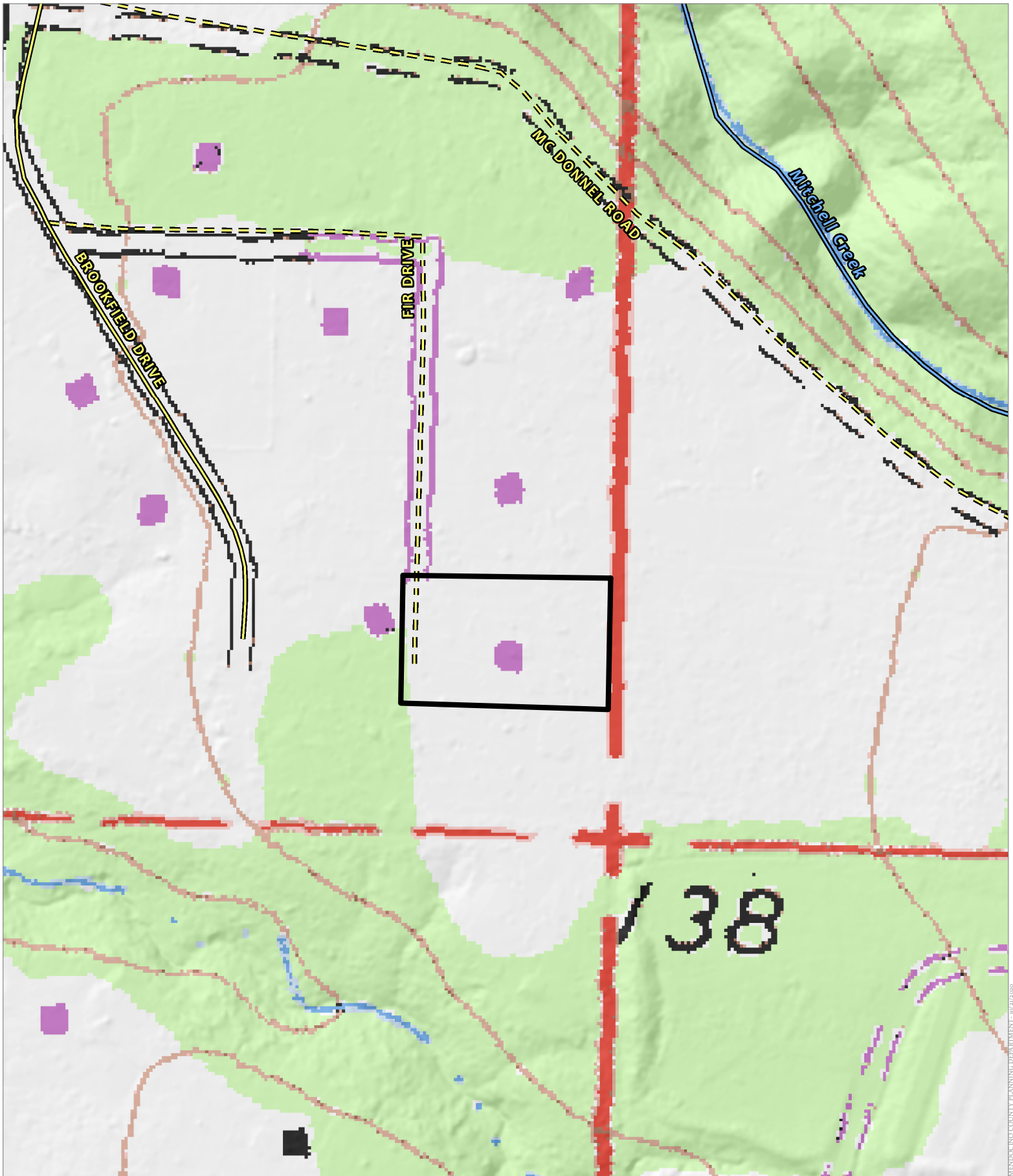
FIR DRIVE

CASE: CDP 2020-0026
OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

== Private Roads

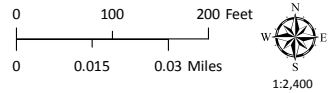


AERIAL IMAGERY
ATTACHMEI662



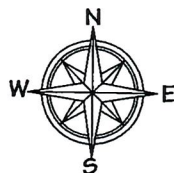
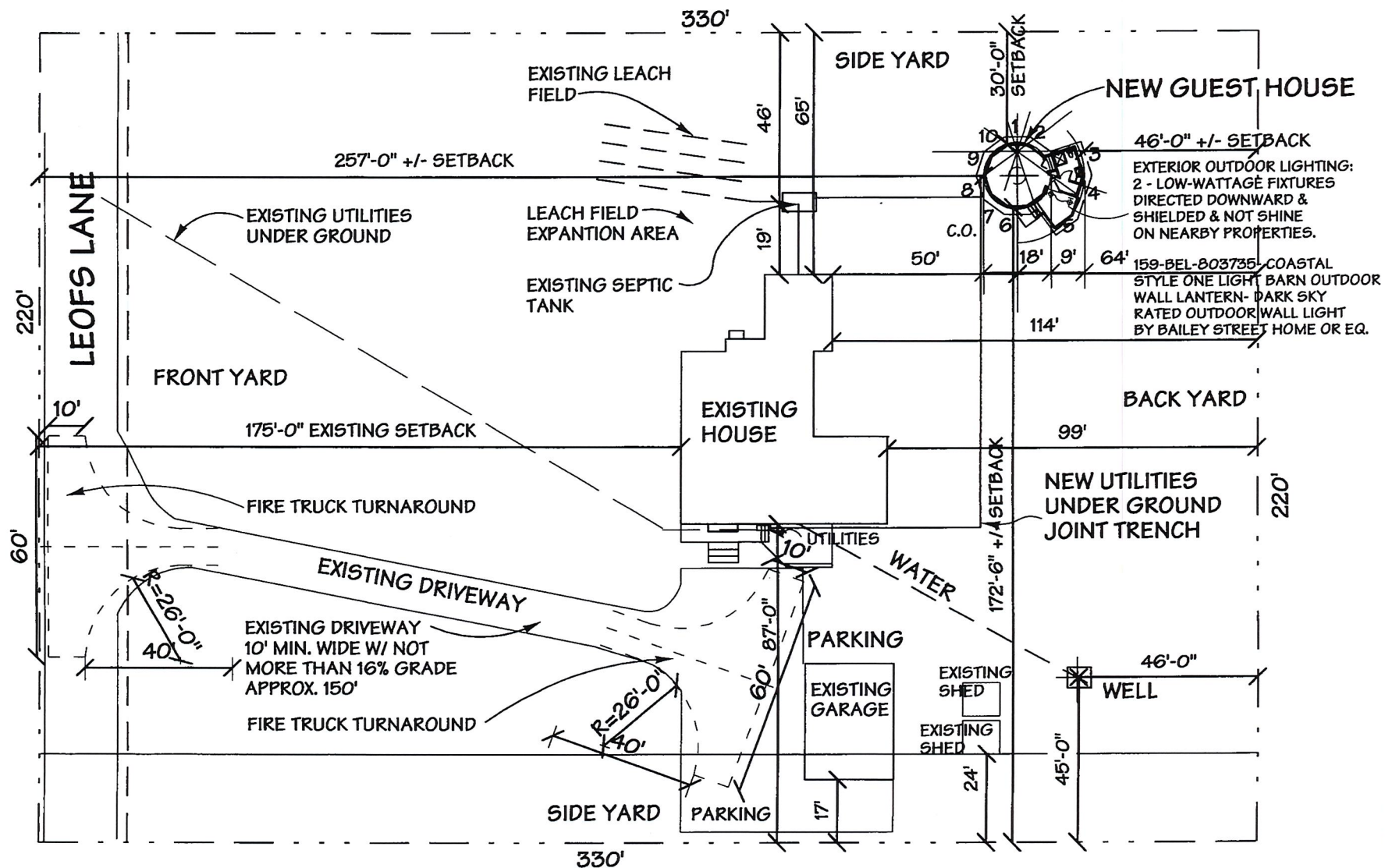
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OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

- Named Rivers
- Public Roads
- Private Roads



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

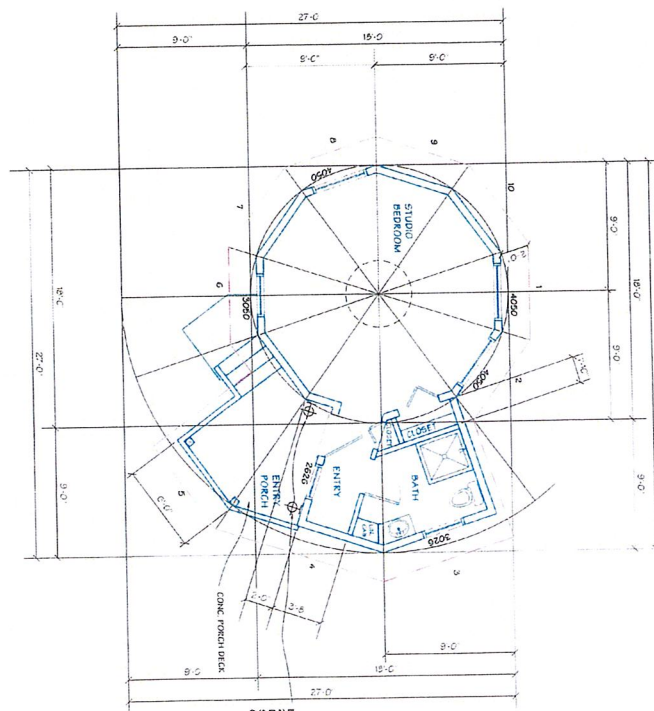
ATTACHME 663



SITE PLAN

SCALE: 1" = 40'
OUTDOOR LIGHTING FIXTURES

**NEW GUEST HOUSE FOR:
STEPHEN & SUSAN BLACKMER
32857 LEOFS LANE
FORT BRAGG, CA 95437
A.P.N. 017-350-56**



EXTERIOR OUTDOOR LIGHTING:
2 - LOW VOLTAGE TRACK LIGHTS
DIRECTED TO PORCH & ENTRY
ON NEARBY PROPERTY.



FLOOR PLAN

SCALE: 1/8" = 1'-0"
GUEST HOUSE 340 SQ. FT. ENTRY PORCH 45 SQ. FT. STAIR & STAIR 27 SQ. FT.

SHEET: 2

DATE: 9-7-2020

NEW GUEST HOUSE FOR:
STEPHEN & SUSAN BLACKMER
32857 LEOPS LANE
FORT BRAGG, CA 95437

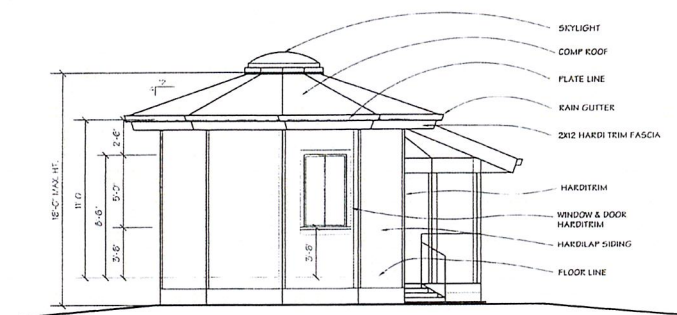
DESIGNED BY DAVID RAITT
468-0876 ALL RIGHTS RESERVED
COPYRIGHT 2020 VITAL DESIGNS

OAK SPRINGS STUDIO
BRIAN J.F. MANNING
P.O. BOX 535 HOPLAND CA 95449
(707) 744-1611



665

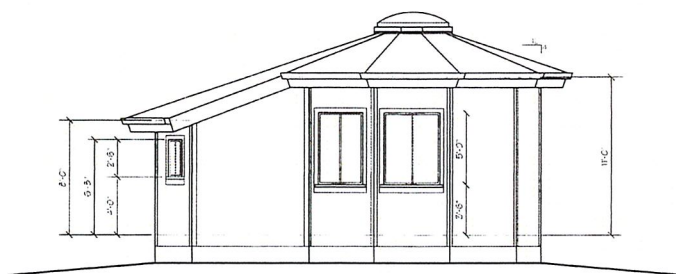
ATTACHMENT F



WEST ELEVATION

1

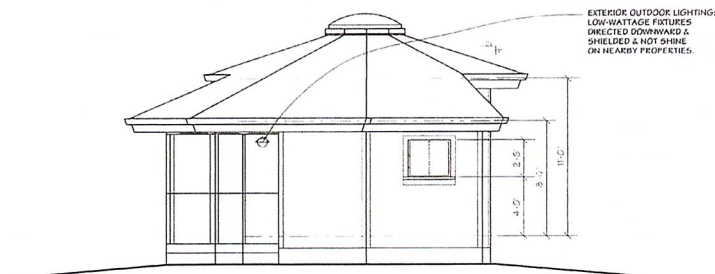
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NORTH ELEVATION

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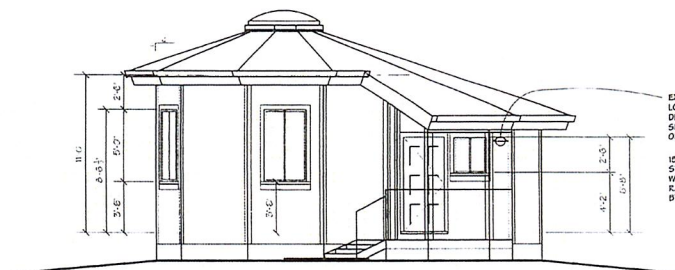
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EAST ELEVATION

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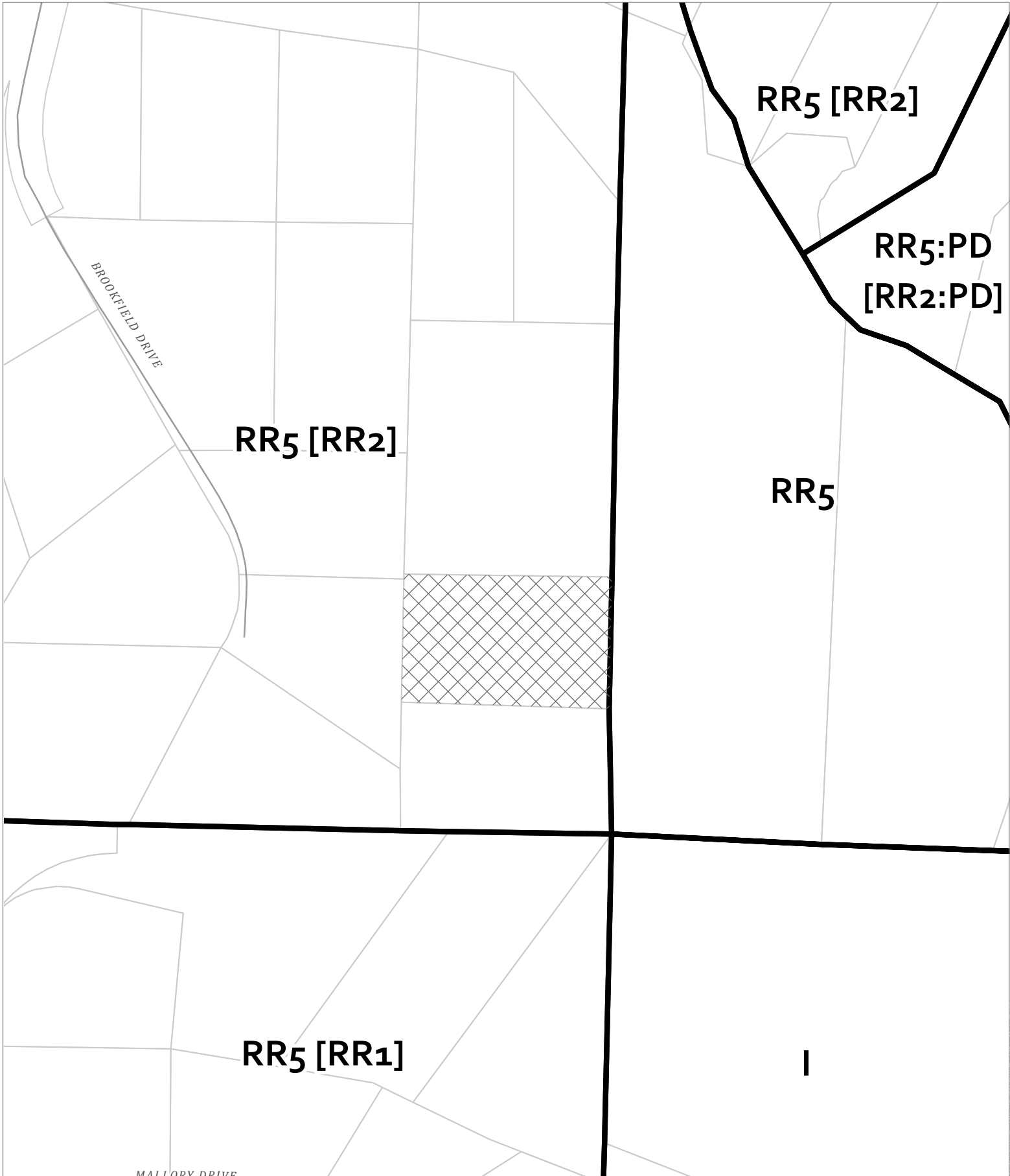
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SOUTH ELEVATION



4


SCALE: 1/4" = 1'-0"



MENDOCINO COUNTY PLANNING DEPARTMENT - 8/13/2021

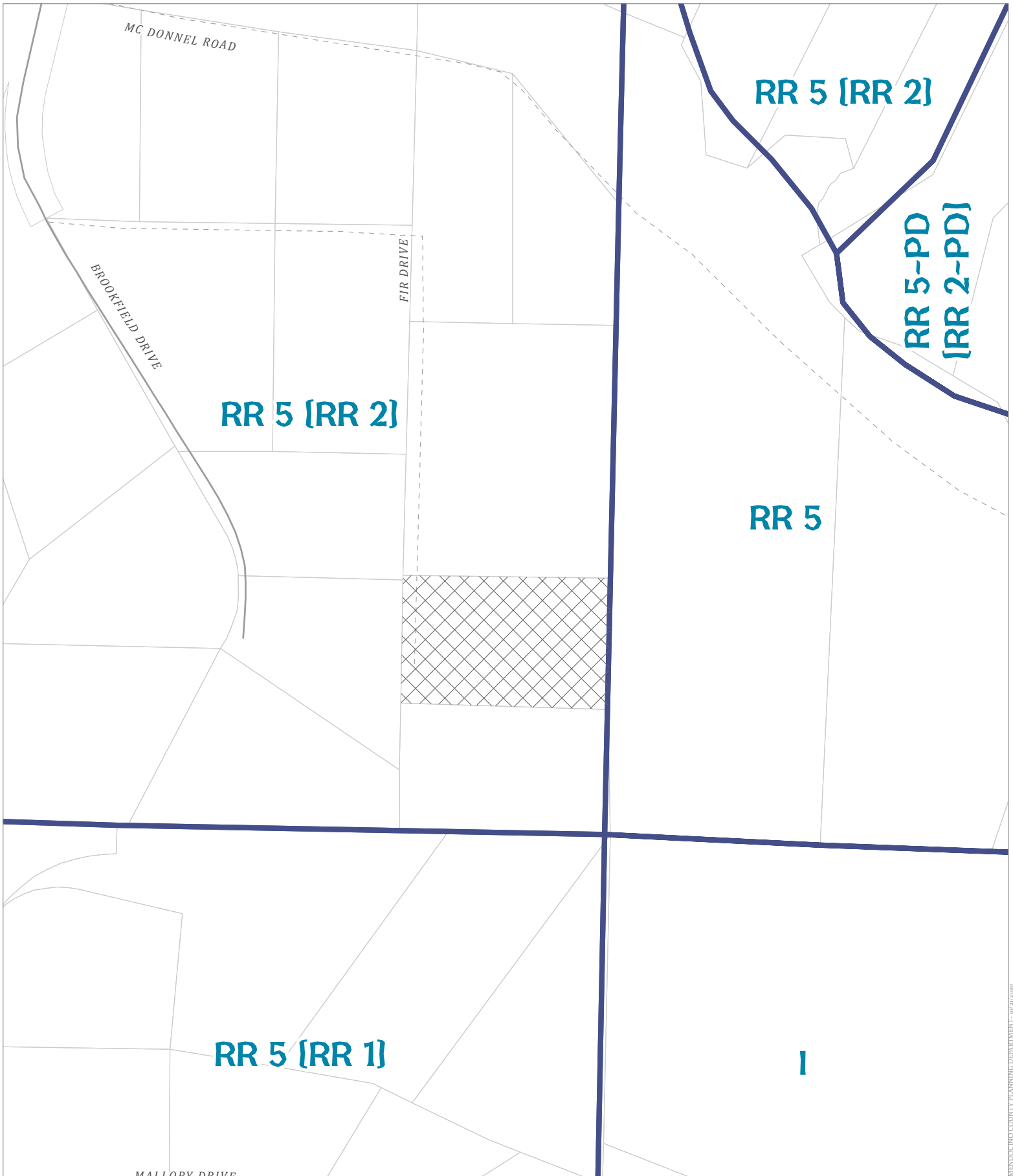
CASE: CDP 2020-0026
OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

 Zoning Districts
 Public Roads

0 100 200 Feet
0 0.015 0.03 Miles

1:2,400

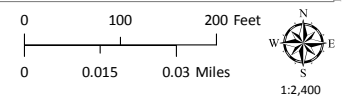
ZONING DISPLAY MAP

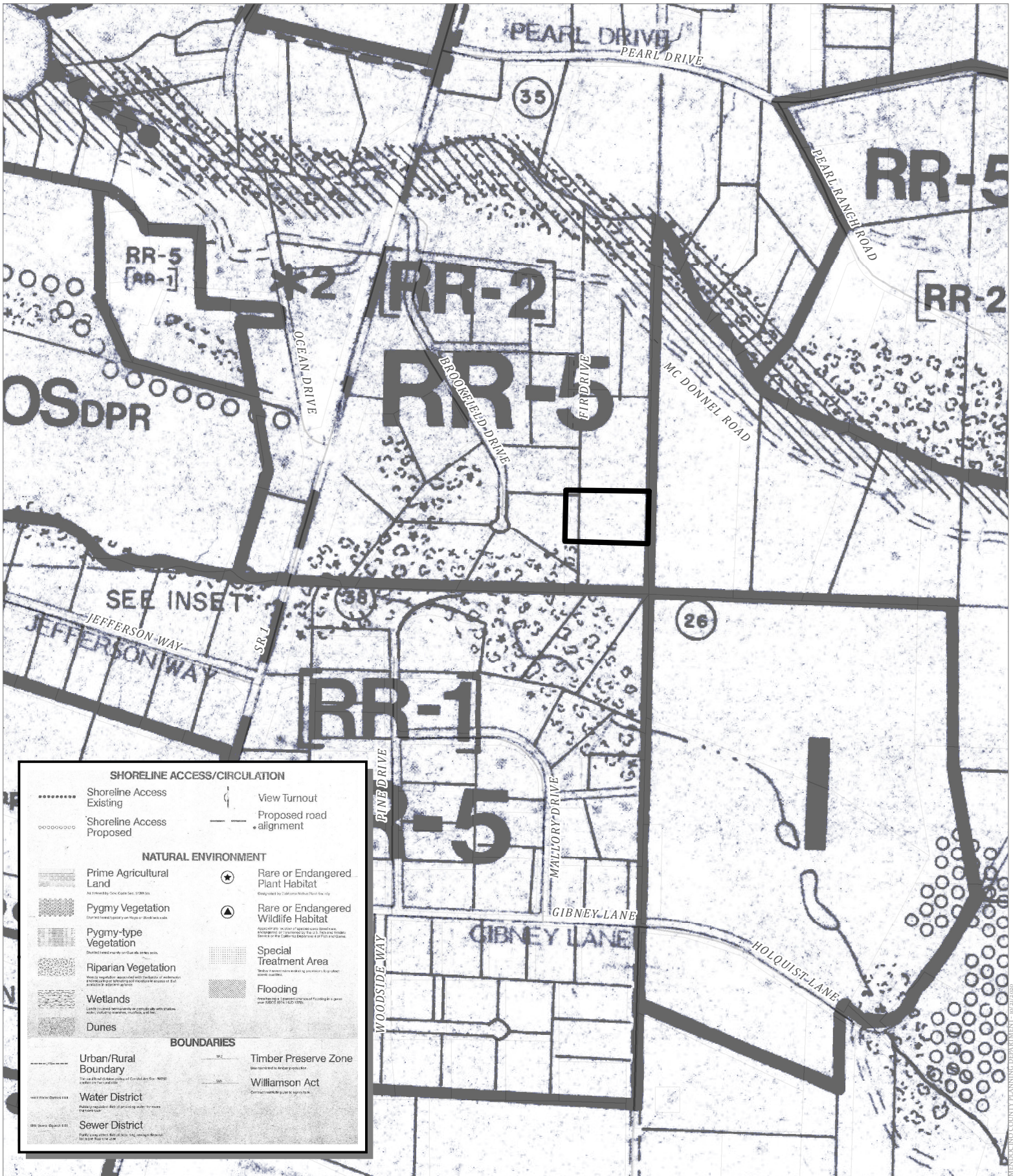
ATTACHMENT 667



CASE: CDP 2020-0026
 OWNER: BLACKMER, Steve
 APN: 017-350-56
 APLCT: Steve Blackmer
 AGENT: Brian Manning
 ADDRESS: 32857 Leofs Lane, Fort Bragg

- General Plan Classes
- Public Roads
- Assessors Parcels

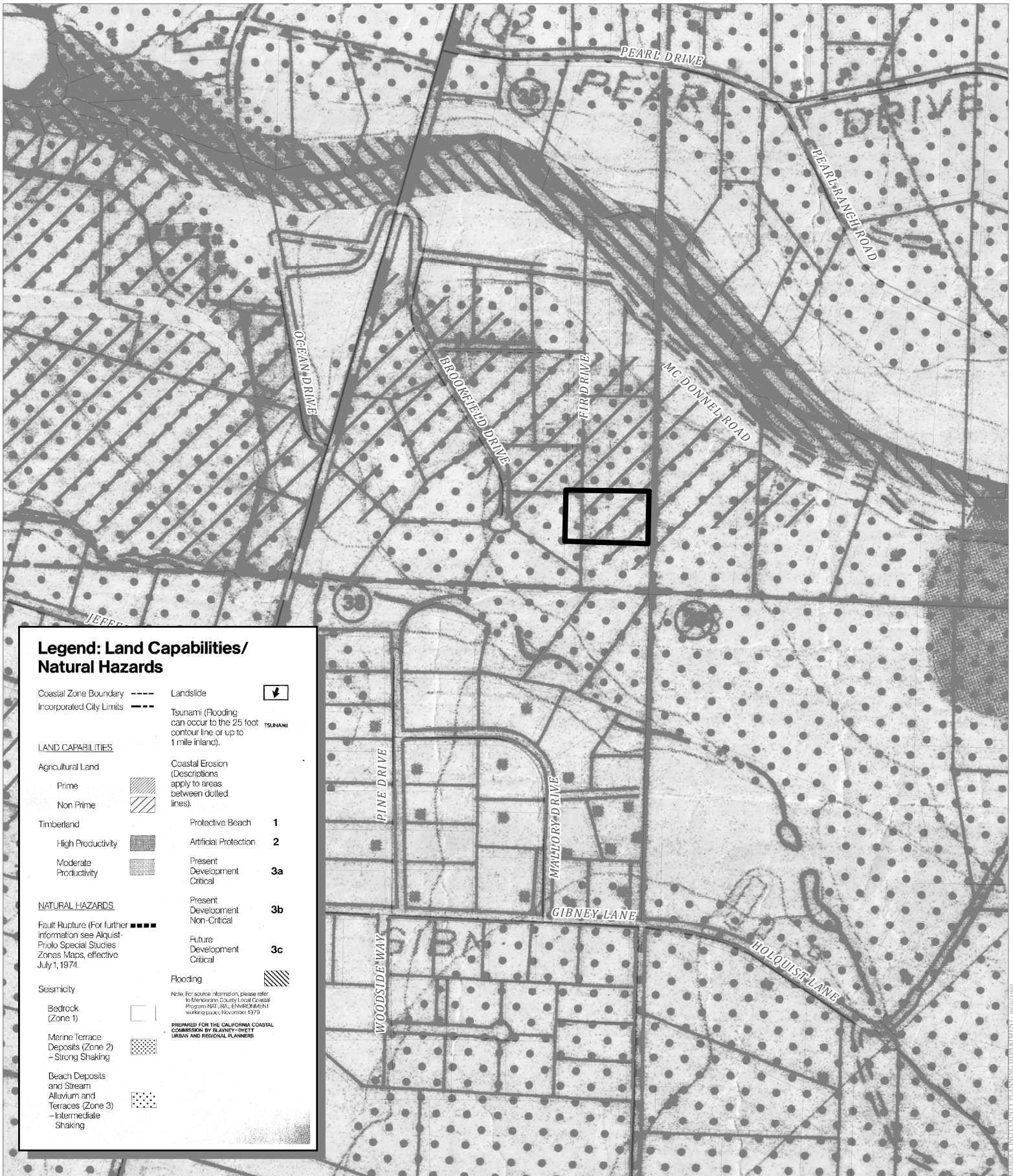




CASE: CDP 2020-0026
 OWNER: BLACKMER, Steve
 APN: 017-350-56
 APLCT: Steve Blackmer
 AGENT: Brian Manning
 ADDRESS: 32857 Leofs Lane, Fort Bragg

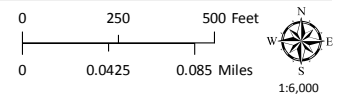
LCP LAND USE MAP 14: BEAVER

ATTACHMEI 669



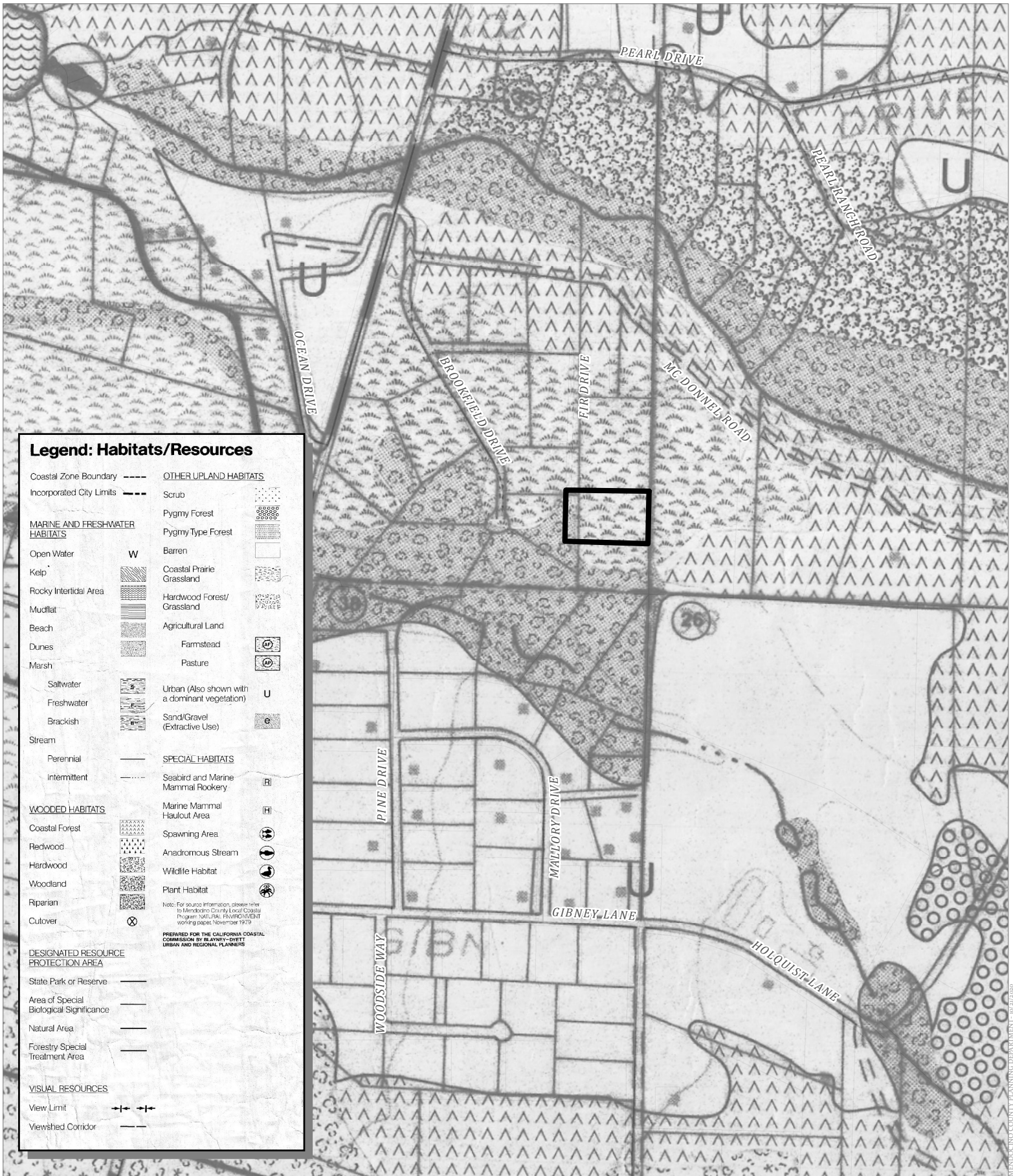
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OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

Public Roads
Assessors Parcels



LCP LAND CAPABILITIES AND NATURAL HAZARDS

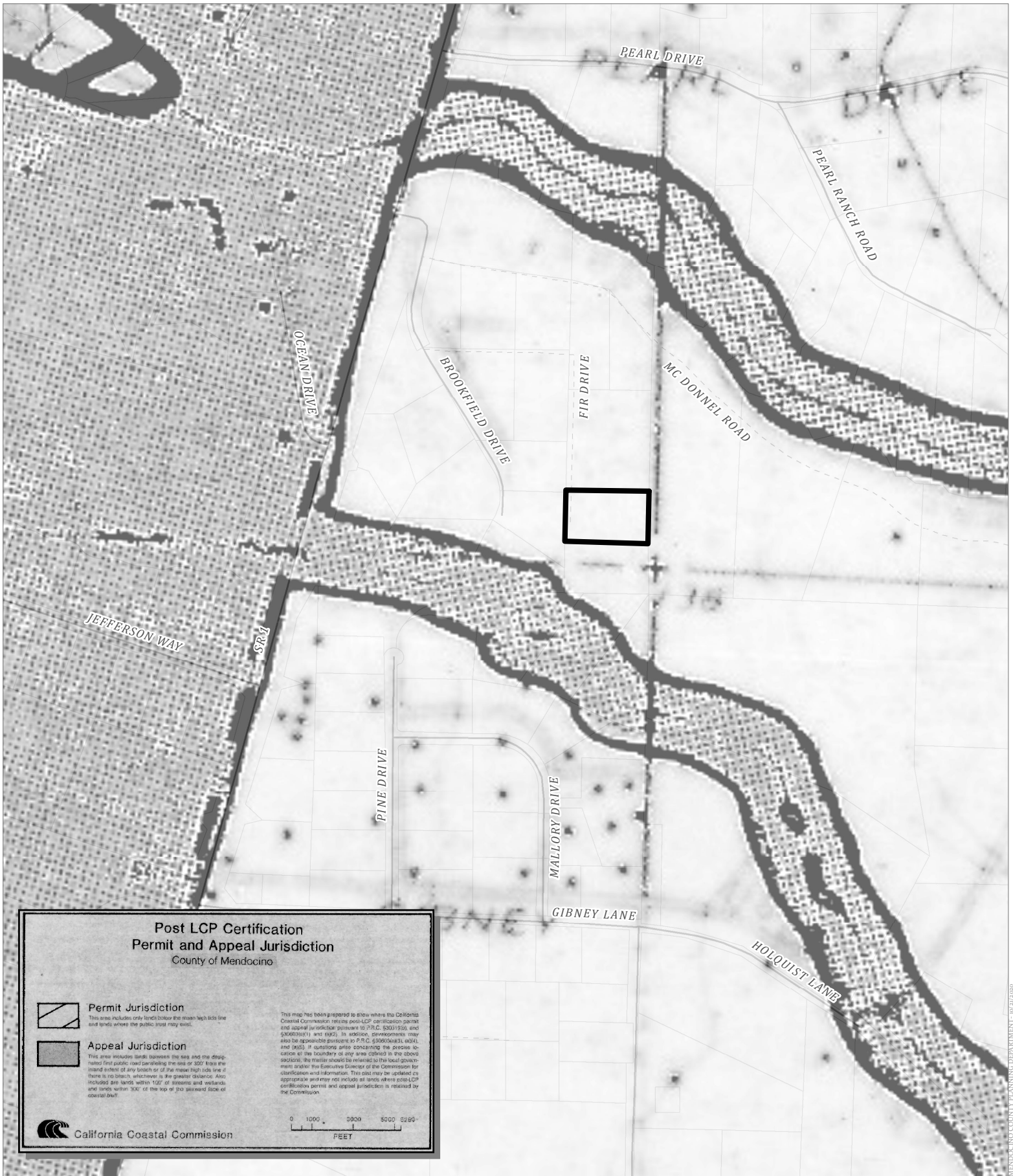
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CASE: CDP 2020-0026
 OWNER: BLACKMER, Steve
 APN: 017-350-56
 APLCT: Steve Blackmer
 AGENT: Brian Manning
 ADDRESS: 32857 Leofs Lane, Fort Bragg

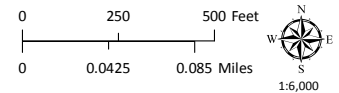
LCP HABITATS & RESOURCES

ATTACHMENT 671



CASE: **CDP 2020-0026**
 OWNER: **BLACKMER, Steve**
 APN: **017-350-56**
 APLCT: **Steve Blackmer**
 AGENT: **Brian Manning**
 ADDRESS: **32857 Leofs Lane, Fort Bragg**


Public Roads
 Assessors Parcels

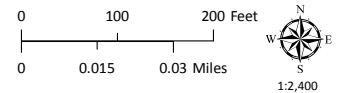


POST LCP CERTIFICATION & APPEAL JURISDICTION
 ATTACHMENT 672



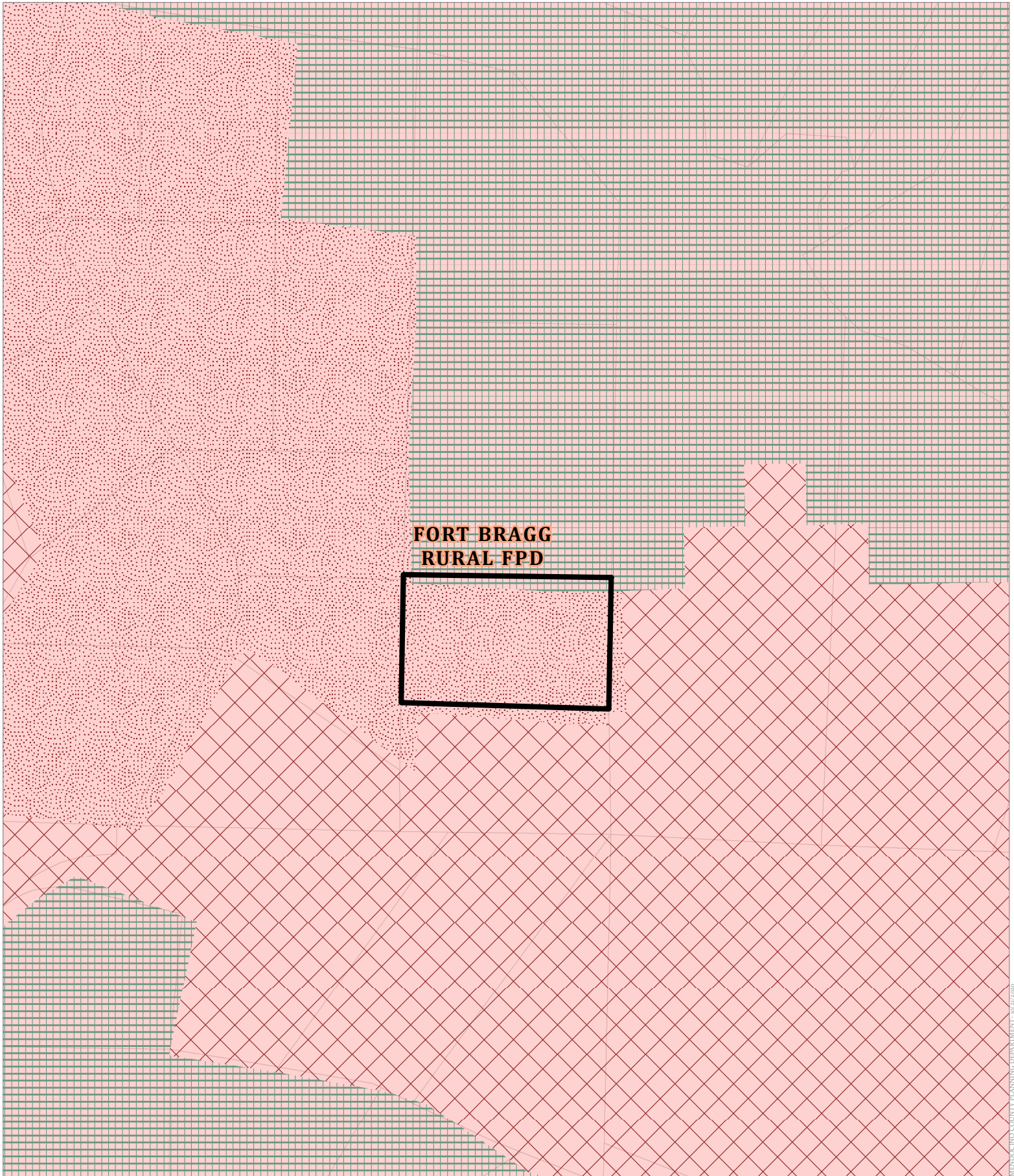
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 OWNER: BLACKMER, Steve
 APN: 017-350-56
 APLCT: Steve Blackmer
 AGENT: Brian Manning
 ADDRESS: 32857 Leofs Lane, Fort Bragg

 Assessors Parcels



ADJACENT PARCELS

ATTACHMENT 673



CASE: CDP 2020-0026
OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

Very High Fire Hazard
High Fire Hazard
Moderate Fire Hazard

County Fire Districts
Assessors Parcels



0 100 200 Feet
0 0.015 0.03 Miles

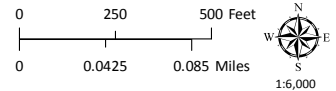
N
W
S
E
1:2,400

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



CASE: CDP 2020-0026
OWNER: BLACKMER, Steve
APN: 017-350-56
APLCT: Steve Blackmer
AGENT: Brian Manning
ADDRESS: 32857 Leofs Lane, Fort Bragg

 Marginal Water Resources
 Assessors Parcels





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BIOLOGICAL WILDLIFE SURVEY ASSESSMENT



PROJECT DESCRIPTION: ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT TO
CONSTRUCT A 405 SQ. FT. GUEST COTTAGE AND ALLOW FOR ASSOCIATED
VEGETATION REMOVAL FOR:
STEPHEN AND SUSAN BLACKMER AT 32857 LEOKS LANE, FORT BRAGG, CA 95437
A.P.N. 017-350-56



BRIAN J.F. MANNING
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HOPLAND, CA 95449
PHONE: (707) 744-1611 EMAIL LKOAKSPRINGS@SBCGLOBAL.NET



An Inventory of the Botanical and Wildlife Resources
of the new Blackmer Family Guest Cottage, Addition
32857 Leofs Lane, Fort Bragg, California 95437
APN 017-350-56
located within USGS Fort Bragg – Mendocino County 15'
Quadrangle 7.5' minute series N3922.5 – W12345/7.7

Final Report

Submitted to:

Stephen and Susan Blackmer
32857 Leofs Lane
Fort Bragg,
CA 95437

Submitted by:

Oak Springs Studio
Brian J. F. Manning

Botanical Consulting
P.O. Box 535
Hopland, CA 95449
707-744-1611

lkoksprings@sbcglobal.net

April, 5 2021

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Rare Plant Survey

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Methods and Results

Recommendations and Mitigation

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Appendix B List of Vascular Plants from the Blackmer Site

Assessment of Impacts on Wildlife

Preliminary Investigation

Field Survey

Potential Impacts on Wildlife

Mitigation Recommendations

References

Appendix C List of Special Animals occurrences in buffer zone

Appendix D List of Special Animals no occurrences in buffer

Appendix E list of Vertebrate Species from Blackmer Site

Site Plan

USGS Map

Location Map

CDFW Rhiannon Korhummel Email 11/13/2020 CDP 2020-0026

Botanical Inventory for the Blackmer Family Guest Cottage

Introduction

This report addresses the impact of building construction of the Blackmer family Guest Cottage will have on the native vegetation, especially and specifically rare or endangered plants, at the project site. It is recognized that such development and construction will result in the temporary and permanent loss of vegetation in the impacted areas of the proposed Blackmer family Guest Cottage project. This study and report was undertaken to determine if rare or endangered species exist in or near the impacted areas and, if so, to recommend mitigation to minimize or avoid damage to the species. Botanical surveys are recommended in cases where no biological assessment has been conducted, and therefore; it is unknown whether or not rare plants or their habitat exist at a given site. In order to conduct an effective survey we investigated potentially occurring rare plant species, their blooming times, and habitat requirements within a large buffer area surrounding the project site.

Site and Vegetation Description

The 1.5 acre site for the Blackmer family Guest Cottage project is located in Fort Bragg, CA in the northwestern portion of Mendocino County. The site lies approximately one half mile east of the Pacific Ocean located on a wide western facing coastal bench between Mitchell Creek and an unnamed creek north of Jug Handle Creek. Aerial maps depict buildings, trees and grassy areas. Project site experiences a climate of foggy summers and cool, wet winters. Temperatures are from 52 degrees F. to 72 degrees F. in July through September, and 42 degrees F. to 55 degrees F. October through December. Average annual precipitation is around 36 inches. The major geologic soil type on the property is brown to dark loam soil.

Much of the site was cleared of native trees brush and grasses over 100 years ago for the homestead of the property. Since then, a good health re-establishment and re-generation has occurred on the site. Some native species, and some not the diverse mix of tree species including; Grand fir (*Abies grandis*), Douglas fir (*Pseudotsuga memziesii*), Tanoak (*Lithocarpis densifloris*), Bishop pine (*Pinus muricata*), Redwood (*Sequoia sempervirens*), Blue gum (*Eucalyptus globules*).
Herbaceous Plants: Birds foot trefoil (*Lotus corniculatus*),

Rare Plant Survey

The California Environmental Quality Act (CEQA) provides protection, not only for State-listed plant species, but for any species which can be shown to meet the criteria for State listing. The Department of Fish and Wildlife (DFW) recognize that Lists 1A (presumed extinct in California), 1B (rare or endangered in California and elsewhere), and 2 (rare or endangered in California, more common elsewhere) of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (CNPS) consist of plants that, in a majority of cases, would qualify for listing, and it is mandatory that they be addressed in environmental documents relating to CEQA. In addition, although few of the plants from CNPS List 3 (plants about which more information is needed, a review list) and 4 (plants of limited distribution, a watch list) are eligible for state listing, many of them are significant locally and it is recommended that they be addressed in environmental documents relating to CEQA as well.

Botanical surveys are recommended in cases where no initial biological assessment has been conducted and therefore, it is unknown whether or not rare plants or their habitat exist at a given site.

Preliminary Investigation

We conducted an initial query from the CNPS Inventory of Rare and Endangered Plants (CNPS), specify rare plants for an area approximately 900 square miles surrounding the Blackmer family guest cottage site (USGS Fort Bragg- Mendocino County 15' Quadrangle 7.5) This initial query produced a list of rare target species (Appendix A). Several of these are of wetland habitat that do not exist within the Blackmer family guest cottage site such as marshes, bogs, meadows and vernal pools.

Plants Restricted to Wetland Habitats

Carex comosa, *Lasthenia burkei*, *Limnanthes bakeri*, *Pleuropogon hooverianus*, *Sanguisorba officinalis*

Plants Restricted to Substrates

Cryptantha clevelandii var. *dissita*, *Hesperolinon adenophyllum*, *Layia septentrionalis*

Plants of North Coast Coniferous Forests

Boschniakia hookeri

Plants of woodland, foothill grassland, chaparral.

Amsinckia lunaris, *Arctostaphylos canescens* ssp. *sonomensis*, *A. manzanita* ssp. *elegans*, *A. stanfordiana* ssp. *raichei*, *Ceanothus confusus*, *Fritillaria roderickii*, *Hemizonia congesta* ssp. *leucocephala*, *Horkelia bolanderi*, *Linanthus jepsonii*, *Lupinus sericatus*, *Malacothamnus mendocinensis*, *Micropus amphibolus*, *Plagiobothrys lithocaryus*, *Tracyina rostrata*, *Viburnum ellipticum*.

Herbaceous Plants found on the Blackmer family guest cottage site
Birds foot trefoil (*Lotus corniculatus*), Braken fern (*Pteridium aquilinum*),
Bull thistle (*Cirsium vulgare*), California blackberry (*Rubus ursinus*),

Methods and Results

The entire 1.5 ac site was systematically surveyed on April 5, 2021 and Feb. 9, 2021 for vascular plants. All plants encountered were identified to species or subspecies. Grassland and wooded slopes were surveyed repeatedly for *T. rostrata* and *Viburnum ellipticum*. A complete list of vascular plants (see Appendix B) was made during the course of the survey. None of the rare target species in Appendix A were found during the survey. In summary, the Blackmer family Guest House project will likely have no impact on rare and endangered species.

Recommendations and Mitigation

In disturbed areas, invasive exotic species dominate and have replaced the native vegetation. Areas that are relatively undisturbed, and densely shaded area at the back of the property to the east, are rich in native grass species. Measures should be taken to minimize future removal of native vegetation at the back of the property to the east. Guest Cottage is located outside of that area. It is inevitable that some grassy vegetation area, 432 square feet, will be impacted as building site is developed. It can be reasonably concluded that removing 432 square feet of associated vegetation in the footprint of the proposed new guest house will have minimal effect on the environment. It can be reasonably concluded that no wetlands plants exist on the proposed project site or in the adjacent area.

References

CNPS Inventory of Rare and Endangered Vascular plants of California
2020

California Native Plant Society 8-26-2020.

Protocols for Surveying and Evaluating Impacts to Special Status Native
Plant Populations and Sensitive Natural Communities 3-20-2018

Appendix A
Inventory of Rare and Endangered Vascular Plants of California

For 928 sq.mi. Buffer Area Surrounding
Mendocino County

AMSINCKIA LUNARIS

"bent-flowered fiddleneck"

Family: Boraginaceae

Life Form: Annual herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status
Counties: Alameda, Contra Costa, Colusa, Lake, Marin, Napa, Santa Cruz, Shasta [?], Siskiyou [?], San Mateo, Sonoma
Quads: Davenport (408C), Ano Nuevo (409D), Altamont (445B), San Francisco South (448B), Montara Mountain (448C), San Mateo (448D), Briones Valley (465B), Oakland East (465C), Las Trampas Ridge (465D), San Geronimo (484C), Point Reyes NE (485A), Tomales (485B), Santa Rosa (501B), Aetna Springs (516B), Whispering Pines (533C), Middletown (533D), Highland Springs (534B), Leesville (547B), Wilbur Springs (547C), Hough Springs (548A), Upper Lake (549B), Lakeport (549C), St. John Mtn. (564B)
Habitat: Coastal bluff scrub, Cismontane woodland, Valley and foothill grassland
Elevation: 3-500 m.
Notes: Many collections old; current status information needed. Does plant occur in SHA and SIS counties? Threatened by development.

ARCTOSTAPHYLOS CANESCENS SSP. SONOMENSIS

"Sonoma manzanita"

Family: Ericaceae

Life Form: Shrub (evergreen)
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status
Counties: Humboldt, Lake, Mendocino, Sonoma, Tehama
Quads: Sonoma (500C), Santa Rosa (501B), Cow Mountain (550A), Purdys Gardens (550D), Potato Hill (565D), Plaskett Ridge (581B), Hull Mountain (581C), Sanhedrin Mtn. (582D), Mendocino Pass (597C), Log Spring (597D), Noble Butte (600B), Grouse Mtn. (670C), Hennessy Peak (670D)
Habitat: Chaparral, Lower montane coniferous forest / sometimes serpentinite
Elevation: 180-1,675 m.
Notes: Threatened by development. See Leaflets of Western Botany 1:78 (1933) for original description, Four Seasons 7(3):42-46 (1985) for status update, and Madrono 35(4):330-341 (1988) for revised nomenclature.

ARCTOSTAPHYLOS MANZANITA SSP. ELEGANS

"Konocti manzanita"

Family: Ericaceae

Life Form: Shrub (evergreen)
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status
Counties: Colusa, Glenn, Lake, Mendocino, Napa, Sonoma
Quads: Detert Reservoir (517A), Mount St. Helena (517B), Clearlake Highlands (533B), Kelseyville (534A), Highland Springs (534B), The Geysers (534D), Crockett Peak (565A), Potato Hill (565D), Felkner Hill (580C), Buckhorn Lake (656A), Buckhorn Canyon (656D)
Habitat: Chaparral, Cismontane woodland, Lower montane coniferous forest / volcanic
Elevation: 395-1,615 m.
Notes: Rare in NAP Co. See Erythea 1:15 (1893) for original description, Madrono 19(6):201 (1968) for revised nomenclature, and American Journal of Botany

Appendix A
Inventory of Rare and Endangered Vascular Plants of California

For 928 sq.mi. Buffer Area Surrounding
Mendocino County

ARCTOSTAPHYLOS MANZANITA SSP. ELEGANS (cont.)
27(3):186-190 for taxonomic discussion.

ARCTOSTAPHYLOS STANFORDIANA SSP. RAICHEI

"Raiche's manzanita"

Family: Ericaceae

Life Form: Shrub (evergreen) **Blooms:** February-April
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 2-3-3
State: [None] No state status
Federal: [SOC] Species of Concern
Counties: Lake, Mendocino
Quads: Kelseyville (534A) [?], Yorkville (535B), Cow Mountain (550A), Purdys Gardens (550D), Noble Butte (600B)
Habitat: Chaparral, Lower montane coniferous forest (openings) / rocky, often serpentinite
Elevation: 450-1,000 m.
Notes: Threatened by urbanization. See Four Seasons 7(3):18 (1985) for original description.

BOSCHNIAKIA HOOKERI

"small groundcone"

Family: Orobanchaceae

Life Form: Perennial herb (rhizomatous), parasitic **Blooms:** April-August
CNPS List: [2] R/T/E in CA, but more common elsewhere **R-E-D:** 3-1-1
State: [None] No state status
Federal: [None] No federal status
Counties: Del Norte, Humboldt, Mendocino, Marin, Oregon, Washington, and other states
Quads: San Rafael (467A), Bolinas (467B), Purdys Gardens (550D), Salyer (670A), Fish Lake (704C), High Divide (740A)
Habitat: North Coast coniferous forest
Elevation: 90-885 m.
Notes: How rare is plant outside CA? Parasitic on *Gaultheria shallon* and *Vaccinium* spp. See Report of the Pacific Railroad Expedition 3:479 (1844-45) for original description.

CAREX COMOSA

"bristly sedge"

Family: Cyperaceae

Life Form: Perennial herb (rhizomatous) **Blooms:** May-September
CNPS List: [2] R/T/E in CA, but more common elsewhere **R-E-D:** 3-3-1
State: [None] No state status
Federal: [None] No federal status
Counties: Contra Costa, Lake, San Bernardino [extirpated], Santa Cruz [extirpated], San Francisco [extirpated], Shasta, San Joaquin, Sonoma, Idaho, Oregon [extirpated], Washington, widespread outside of California
Quads: San Bernardino South (107D) [? (extirpated)], Laurel (407C) [extirpated], Felton (408D) [? (extirpated)], Holt (462B), Bouldin Island (480D), Bodega Head (503D), Guerneville (518C), Cow Mountain (550A), Fall River Mills (678C)
Habitat: Coastal prairie, Marshes and Swamps (lake margins), Valley and foothill grassland
Elevation: 0-425 m.
Notes: Location, rarity, and endangerment information needed; need historical quads for SFO Co. Fairly widely distributed, but apparently rarely collected. Threatened by marsh drainage. Endangered in ID, endangered in

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CAREX COMOSA (cont.)

OR, and state-listed as Sensitive in WA.

CEANOTHUS CONFUSUS

"Rincon Ridge ceanothus"

Family: Rhamnaceae

Life Form: Shrub (evergreen) **Blooms:** February-April
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 3-3-3
State: [None] No state status
Federal: [SOC] Species of Concern
Counties: Lake, Mendocino, Napa, Sonoma
Quads: Rutherford (500B), Kenwood (501A), Santa Rosa (501B), Sebastopol (502A) [extirpated], Detert Reservoir (517A), Mount St. Helena (517B), Mark West Springs (517C), Calistoga (517D) [? (extirpated)], Geyserville (518B), Whispering Pines (533C), Hopland (535A), Cloverdale (535D), Bartlett Mtn. (549A)
Habitat: Closed-cone coniferous forest, Chaparral, Cismontane woodland / volcanic or serpentinite
Elevation: 75-1,065 m.
Notes: Threatened by development. Closely related to *C. prostratus*. See Leaflets of Western Botany 2:160-162 (1939) for original description.

CRYPTANTHA CLEVELANDII VAR. DISSITA

"serpentine cryptantha"

Family: Boraginaceae

Life Form: Annual herb **Blooms:** April-June
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 2-2-3
State: [None] No state status
Federal: [None] No federal status
Counties: Lake, Napa, Sonoma
Quads: Capell Valley (499B), Jintown (518A), Highland Springs (534B), The Geysers (534D), Lakeport (549C)
Habitat: Chaparral (serpentinite)
Elevation: 395-580 m.
Notes: Historical sites need field surveys. See *C. clevelandii* in The Jepson Manual. See Flora of California 3(2):348 (1943) by W.L. Jepson for original description.

FRITILLARIA RODERICKII

"Roderick's fritillary"

Family: Liliaceae

Life Form: Perennial herb (bulbiferous) **Blooms:** March-May
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 3-3-3
State: [CE] State listed as Endangered (11/79)
Federal: [None] No federal status
Counties: Mendocino
Quads: Point Arena (537B) [extirpated], Saunders Reef (537C), Philo (551C), Boonville (551D), Laughlin Range (567D), Fort Bragg (569A)
Habitat: Coastal bluff scrub, Coastal prairie, Valley and foothill grassland
Elevation: 15-120 m.
Notes: Known from fewer than ten occurrences. Plants introduced in MEN (537D) and SON counties. Threatened by road maintenance, residential development, and erosion. Taxonomic validity has been questioned; further study needed. A synonym of *F. biflora* var. *biflora* in The Jepson Manual. USFWS uses the name *F. grayana*. See Four Seasons 2(2):14-16 (1967) for original description.

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HEMIZONIA CONGESTA SSP. *LEUCOCEPHALA*
"Hayfield tarplant"

Family: Asteraceae

Life Form: Annual herb
CNPS List: [3] More information is needed.
State: [None] No state status
Federal: [None] No federal status
Counties: Mendocino, Marin, Sonoma
Quads: Bolinas (467B), Petaluma (484B), Novato (484D), Tomales (485B), Kenwood (501A), Sebastopol (502A), Camp Meeker (502B), Valley Ford (502C), Two Rock (502D), Mark West Springs (517C), Healdsburg (518D), Warm Springs Dam (519A), Asti (534C), Noyo Hill (568B)
Habitat: Coastal scrub, Valley and foothill grassland
Elevation: 25-365 m.
Notes: Move to List 1B? Precise location, rarity, and endangerment information needed. Intergrades with ssp. *congesta*; dried plants may be indistinguishable. Many herbarium collections are misidentified. Threatened by agriculture and urbanization. See Bulletin of the Torrey Botanical Club 110:15 (1983) for original description, and Phytologia 73(3):259-260 (1992) for revised nomenclature.

Blooms: April-October
R-E-D: ?-?-3

HESPEROLINON ADENOPHYLLUM
"glandular western flax"

Family: Linaceae

Life Form: Annual herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [SOC] Species of Concern
Counties: Humboldt [extirpated], Lake, Mendocino
Quads: Clearlake Highlands (533B), Whispering Pines (533C), Kelseyville (534A), Highland Springs (534B), The Geysers (534D), Bartlett Springs (548B) [?], Bartlett Mtn. (549A), Upper Lake (549B), Lakeport (549C), Lucerne (549D), Cow Mountain (550A), Crockett Peak (565A), Lake Pillsbury (565B), Elk Mountain (565C), Potato Hill (565D), Van Arsdale Reservoir (566A), Redwood Valley (566C), Potter Valley (566D), Willits (567A), Burbeck (567B), Sanhedrin Mtn. (582D), Longvale (583C), Fortuna (654C) [extirpated]
Habitat: Chaparral, Cismontane woodland, Valley and foothill grassland / serpentinite
Elevation: 150-1,315 m.
Notes: Threatened by geothermal development, recreation, and grazing. See Proceedings of the American Academy of Arts and Sciences 8:624-625 (1873) for original description, and University of California Publications in Botany 32:235-314 (1961) for taxonomic treatment.

Blooms: May-August
R-E-D: 2-2-3

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HORKELIA BOLANDERI
"Bolander's horkelia"

Family: Rosaceae

Life Form: Perennial herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [SOC] Species of Concern
Counties: Colusa [extirpated], Lake, Mendocino
Quads: Clearlake Highlands (533B), Whispering Pines (533C), Kelseyville (534A), Highland Springs (534B), Purdys Gardens (550D), Potato Hill (565D)
Habitat: Chaparral, Lower montane coniferous forest, Meadows, Valley and foothill grassland / edges, vernal mesic areas
Elevation: 450-1,100 m.
Notes: Known from only five extant occurrences. Need historical quads for COL Co. Threatened by vehicles, and possibly by development. See Systematic Botany 18(1):137-144 (1993) for taxonomic treatment.

Blooms: June-August
R-E-D: 3-2-3

LASTHENIA BURKEI
"Burke's goldfields"

Family: Asteraceae

Life Form: Annual herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [CE] State listed as Endangered (09/79)
Federal: [FE] Federally listed as Endangered (12/02/91)
Counties: Lake, Mendocino, Sonoma
Quads: Sebastopol (502A), Jintown (518A), Healdsburg (518D), Lower Lake (533A), Clearlake Highlands (533B), Ukiah (550B)
Habitat: Meadows (mesic), Vernal pools
Elevation: 15-600 m.
Notes: Threatened by agriculture, urbanization, and grazing. See Bulletin of the California Academy of Sciences 2(6):151 (1887) for original description, and American Journal of Botany 56(9):1042-1047 (1969) for information on origin and relationships.

Blooms: April-June
R-E-D: 3-3-3

LAYIA SEPTENTRIONALIS
"Colusa layia"

Family: Asteraceae

Life Form: Annual herb
CNPS List: [1B] R/T/E in CA and elsewhere
State: [None] No state status
Federal: [None] No federal status
Counties: Colusa, Glenn, Lake, Mendocino, Napa, Sonoma, Sutter, Tehama, Yolo
Quads: Kenwood (501A) [extirpated], Walter Springs (516A), Aetna Springs (516B), St. Helena (516C), Chiles Valley (516D), Detert Reservoir (517A), Rumsey (531B), Glascock Mtn. (532A), Knoxville (532D), Lower Lake (533A), Clearlake Highlands (533B), Kelseyville (534A), Highland Springs (534B), The Geysers (534D), Hopland (535A), Cloverdale (535D), Sutter Buttes (545A), Arbuckle (546D), Wilbur Springs (547C), Hough Springs (548A), Clearlake Oaks (548C), Benmore Canyon (548D), Lakeport (549C), Lucerne (549D), Purdys Gardens (550D), Stonyford (564A), Gilmore Peak (564D), Riley Ridge (596B)
Habitat: Chaparral, Cismontane woodland, Valley and foothill grassland / sandy, serpentine
Elevation: 100-1,095 m.
Notes: Historical occurrences need field surveys. Threatened by development.

Blooms: April-May
R-E-D: 2-2-3

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LAYIA SEPTENTRIONALIS (cont.)

See Aliso 4(1):106 (1958) for original description.

LIMNANTHES BAKERI

"Baker's meadowfoam"

Family: Limnanthaceae

Life Form: Annual herb **Blooms:** April-May
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 3-3-3
State: [CR] State listed as Rare (11/78)
Federal: [SOC] Species of Concern
Counties: Mendocino
Quads: Ukiah (550B), Willits (567A), Laytonville (583B), Covelo East (598C), Mina (599A)
Habitat: Meadows, Marshes and Swamps (freshwater), Valley and foothill grassland (vernally mesic), Vernal pools
Elevation: 175-910 m.
Notes: Known from fewer than twenty occurrences. Threatened by development, grazing, and road construction. See Leaflets of Western Botany 3(9):206 (1943) for original description.

LINANTHUS JEPSONII

"Jepson's linanthus"

Family: Polemoniaceae

Life Form: Annual herb **Blooms:** April-May
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 2-2-3
State: [None] No state status
Federal: [None] No federal status
Counties: Lake, Napa, Sonoma
Quads: Capell Valley (499B), Rutherford (500B), Napa (500D), Santa Rosa (501B), Glen Ellen (501D), Sebastopol (502A), Walter Springs (516A), Aetna Springs (516B), St. Helena (516C), Chiles Valley (516D), Detert Reservoir (517A), Mount St. Helena (517B), Mark West Springs (517C), Calistoga (517D), Cazadero (519D), Whispering Pines (533C), Asti (534C), Cloverdale (535D)
Habitat: Chaparral, Cismontane woodland / usually volcanic
Elevation: 100-500 m.
Notes: Similar to *L. parviflorus*. Not in The Jepson Manual. See Madrono 43(4):455 (1996) for original description.

LUPINUS SERICATUS

"Cobb Mountain lupine"

Family: Fabaceae

Life Form: Perennial herb **Blooms:** March-June
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 2-2-3
State: [None] No state status
Federal: [None] No federal status
Counties: Colusa, Lake, Napa, Sonoma
Quads: Rutherford (500B), Sonoma (500C), Aetna Springs (516B), St. Helena (516C), Detert Reservoir (517A), Mount St. Helena (517B), Calistoga (517D), Lower Lake (533A), Whispering Pines (533C), Kelseyville (534A), The Geysers (534D), Big Foot Mtn. (535C), Wilbur Springs (547C)
Habitat: Broadleaved upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest
Elevation: 275-1,525 m.
Notes: Threatened by geothermal development, logging, and road widening; will colonize disturbed sites. See Fremontia 13(3):21-22 (1985) for account of reestablishment project in The Geysers geothermal area.

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Family: Malvaceae

Blooms: May-June
R-E-D: *

Family: Asteraceae

Blooms: March-May
R-E-D: ?-2-3

Family: Boraginaceae

Blooms: April-May
R-E-D: *

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PLEUROPOGON HOOVERIANUS

"North Coast semaphore grass"

Family: Poaceae

Life Form: Perennial herb (rhizomatous) **Blooms:** May-August
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 3-3-3
State: [CR] State listed as Rare (11/79)
Federal: [SOC] Species of Concern
Counties: Mendocino, Marin, Sonoma
Quads: San Rafael (467A), San Geronimo (484C), Cotati (501C), Camp Meeker (502B), Hopland (535A), Boonville (551D), Willits (567A), Comptche (568D), Laytonville (583B), Longvale (583C), Cahto Peak (584A)
Habitat: Broadleafed upland forest, Meadows, Marshes and Swamps (freshwater), North Coast coniferous forest, Vernal pools / mesic
Elevation: 10-635 m.
Notes: Known from fewer than ten occurrences. Threatened by logging. See American Journal of Botany 28:360 (1941) for original description, Leaflets of Western Botany 4(10):247 (1946) for revised nomenclature, and Taxon 27(4):375 (1978) for alternate nomenclature.

SANGUISORBA OFFICINALIS

"great burnet"

Family: Rosaceae

Life Form: Perennial herb (rhizomatous) **Blooms:** July-October
CNPS List: [2] R/T/E in CA, but more common elsewhere **R-E-D:** 2-2-1
State: [None] No state status
Federal: [None] No federal status
Counties: Del Norte, Humboldt, Mendocino, Oregon, Washington, widespread outside of California
Quads: Ukiah (550B), Albion (553A), Mendocino (569D), Longvale (583C), Laytonville (583B), Cahto Peak (584A), Mad River Buttes (653A), Lord-Ellis Summit (671A) [?], Maple Creek (671D), Ship Mountain (722A), Shelly Creek Ridge (739A), High Plateau Mtn. (739B), Gasquet (739C), High Divide (740A)
Habitat: Bogs and fens, Broadleafed upland forest, Meadows, Marshes and Swamps, North Coast coniferous forest, Riparian forest / often serpentine
Elevation: 60-1,400 m.
Notes: CA plants may be ssp. microcephala.

TRACYINA ROSTRATA

"beaked tracyina"

Family: Asteraceae

Life Form: Annual herb **Blooms:** May-June
CNPS List: [1B] R/T/E in CA and elsewhere **R-E-D:** 3-2-3
State: [None] No state status
Federal: [None] No federal status
Counties: Humboldt, Lake, Mendocino, Sonoma
Quads: Hopland (535A), Big Foot Mtn. (535C), Lakeport (549C), Purdys Gardens (550D), Alderpoint (616A), Fort Seward (616B), Jewett Rock (616D)
Habitat: Cismontane woodland, Valley and foothill grassland
Elevation: 90-520 m.
Notes: Known from fewer than fifteen occurrences. Many occurrences not seen recently; needs field work. Threatened by grazing and non-native plants.

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VIBURNUM ELLIPTICUM

"oval-leaved viburnum"

Family: Caprifoliaceae

Life Form: Shrub (deciduous)

Blooms: May-June

CNPS List: [2] R/T/E in CA, but more common elsewhere

R-E-D: 2-1-1

State: [None] No state status

Federal: [None] No federal status

Counties: Contra Costa, Fresno, El Dorado, Glenn, Humboldt, Mendocino, Napa, Shasta, Sonoma, Oregon, Washington

Quads: Auberry (397C), Clayton (464B) [possibly extirpated], Diablo (464C) [possibly extirpated], Tassajara (464D), Walnut Creek (465A), Briones Valley (465B), Mt. George (499C), Sonoma (500C), Kenwood (501A), Placerville (510A), Mark West Springs (517C), Hopland (535A), Purdys Gardens (550D), Burbeck (567B), Laytonville (583B), Bell Springs (600A), Leggett (600C), Harris (616C), Leggett (600C), Tan Oak Park (600D), Chancelulla Peak 15' NE (631A), Bella Vista (646B)

Habitat: Chaparral, Cismontane woodland, Lower montane coniferous forest

Elevation: 215-1,400 m.

Notes: Need quads for GLE Co.

Appendix B

Species list for the proposed Blackmer Family Guest House Project
32857 Leofs Lane, Fort Bragg, CA 95437

Comprehensive list of native and endemic plants found on the property
and immediate vicinity.

Botanical Field Survey conducted by Oak Springs Studio, Brian J.F.
Manning, on April 5, 2021 and Feb. 9, 2021.

TREES:

Grand fir (*Abies grandis*)
Douglas fir (*Pseudotsuga menziesii*)
Tan oak (*Lithocarpis densifloris*)
Bishop pine (*Pinus muricata*)
Redwood (*Sequoia sempervirens*)
Blue gum (*Eucalyptus globulus*)

HERBACEOUS PLANTS:

Bird's foot trefoil (*Lotus corniculatus*)
Braken fern (*Pteridium aquilinum*)
Bull thistle (*Cirsium vulgare*)
California blackberry (*Rubus ursinus*)
California poppy (*Eschscholzia californica*) ¹
Calypso orchid (*Calypso bulbosa*) ²
Cheatgrass (*Bromus tectorum*)
Common groundsel (*Senecio vulgaris*)
Common velvet grass (*Holcus lanatus*)
Hawkweed oxtongue (*Picris hieracioides*)
Ladies' tobacco (*Pseudognaphalium californicum*)
Lesser trefoil (*Trifolium dubium*)
Miniature lupine (*Lupinus bicolor*)
Narrowleaf plantain (*Plantago lanceolata*)
Rat's tail fescue (*Vulpia myuros*)
Redwood sorrelo (*Oxalis oregano*)
Ripgut brome (*Bromus diandrus*)
Scarlet pimpernel (*Lysimachia arvensis*)
Sub clover (*Trifolium subterraneum*)
Sweet vernal grass (*Anthoxanthum arvensis*)
Wall barley (*Hordeum murinum*)

Notes: 1 Found in front part of property near road and in fenced vegetable garden area only.

2 Found only in a small outcropping in the densely wooded area adjacent to the neighboring property at back (northwest) corner of the lot. Approximately 20 specimens growing in thick cover of decaying deadfall Grand fir branches.

Assessment of Impacts on Wildlife for the Blackmer Family Guest House Project

This report addresses the impact that the proposed Blackmer Family Guest House Project is expected to have on vertebrate species.

Preliminary Investigation-CNDDDB and CWHR Queries

This report used the California Natural Diversity Database (CNDDDB) and the California Wildlife Habitat Relationship System (CWHR) to identify "Special Animal" taxa that may occur at the proposed Blackmer Family Guest House Project site. "Special Animal" refers to all taxa that are monitored by the CNDDDB, an information system administered by the California Department of Fish and Wildlife (CDFW). "Special Animal" includes all taxa listed as federal and/or state endangered or threatened, and taxa that have been designated by CDFW as Species of Special Concern. Species of Special Concern are considered vulnerable to extinction due to declining population levels, limited ranges and/or continuing threats. The goal of designating taxa as Species of Special Concern is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern enough to secure their long-term viability (CDFW). The CNDDDB also tracks taxa that are designated as a special status, sensitive, or declining species by other state or federal agencies, or by non-governmental organizations. Thus, not all taxa monitored by the CNDDDB have legal or protection status.

In order to identify all Special Animals that may be affected by the proposed Blackmer Family Guest House Project, two queries were conducted. First query was conducted by California Department of Fish and Wildlife (CDFW). The second query, conducted by California Natural Diversity Database (CNDDDB). We queried the most recent version of the CNDDDB which contained information dated April 2, 2021. The query identified all recorded occurrences of Special Animals within USGS Fort Bragg- Mendocino County 15' Quadrangle 7.5, an area covering approximately 1,000 square miles around Fort Bragg. The area queried for Special Animal occurrences was the same as that queried for plants. For the initial query, see below or Appendix C for detailed information.

Target Species/Elements from CNDDDB query- General Habitat

Steelhead-Central California Coast aquatic, require some permanent water

Sacramento Perch slow moving, open water-Clearlake

| | |
|--|---|
| Foothill Yellow-legged Frog | rocky streams |
| Northwestern Pond Turtle | permanent or nearly permanent water |
| Double-crested Cormorant (rookery) | cliffs or tall trees along coast or lake margin |
| Great Blue Heron (rookery) | cliffs or tall trees near marshes, mudflats |
| Northern Goshawk (nesting) | mid-to high-elevation coniferous forests |
| Bald Eagle (nesting and wintering) | large tree on lake, ocean, or river margins |
| Osprey (nesting) | forest near ocean, lakes, or larger rivers |
| Northern Spotted Owl | mature or old-growth coniferous forest |
| Tri-colored Blackbird (nesting colony) | marsh with open water |
| Bell's Sage Sparrow (nesting) | dense chaparral or scrub |
| Red Tree Vole | coniferous forest in fog belt |
| Townsend's Western Big-Eared Bat | open caves, lava tube, buildings, mines |

The CNDDDB dose not typically contain all occurrences of a given species within California. Thus, Special Animal species may occur within the vicinity of the project site, but may not be recorded in the CNDDDB. In order to ensure that the potential impacts of the Blackmer Family Guest House Project on all Special Animals were considered, we checked the range and habitat requirements for all Special Animals by DFW in April 2, 2021, using the CWHR system. We identified Special Animals whose range contains Mendocino County (see Appendix D for more detailed information).

Additional Target Species/Elements from CWHR query-General Habitat

| | |
|------------------------------|---|
| Cooper's Hawk (nesting) | dense woodland interspersed with openings, near water |
| Sharp-shinned Hawk (nesting) | dense oak woodland or small-tree stands of conifer, little ground cover, near water and |

Because Purple Martins are colonial nesters, it is highly unlikely that there is a nesting colony on site.

Long-eared Myotis may utilize the dense oak woodland habitats in Fort Bragg area, as Fort Bragg is within their range and dense oak woodland in the area provides habitat for the species (CWHR). Although tan oak trees exist on the property, the oak trees are not dense, no snags on site, and the project site is not suitable, or required habitat elements do not exist. Building is well-maintained; no good place for bats to nest. No bat nests were detected in the trees or buildings on site. Generally prefers higher elevation habitats.

In summary, the Blackmer family guest cottage project will likely have no significant impact on populations of Special Animals. The Cooper's Hawk and Long-eared Myotis are the only Special Animals species that occurs in the general area.

Mitigation Recommendations

Location of the Blackmer family guest cottage project shall be located in the grassy area of the backyard behind the existing house to minimize the effect on Special Animal habitat. It can be reasonably concluded that removing 432 square feet of associated vegetation in the footprint of the proposed new guest house will have minimal effect on the Special Animal Habitat within the project site environment. This is true for the Sacramento Perch, Northwestern Pond Turtle, Double-crested Cormorant, Great Blue Heron, Northern Goshawk, Bald Eagle, Northern Spotted Owl, Vaux's Swift, Olive-sided Flycatcher, Bell's Sage Sparrow, Tri-colored Blackbird, Red Tree Vole, and Townsend's Western Big-eared Bat. No attic space or crevices for bats in the existing and new structures.

References

State and Fed Listed Endangered and Threatened Animals of California
4-2-2021

California Wildlife Habitat Relationship System (CWHR)

APPENDIX C

| | |
|--------------------|--|
| Common: | SACRAMENTO PERCH (within native range) |
| Scientific: | <i>Archoplites interruptus</i> |
| | Family: Centrarchidae |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: None
CNDDDB Rank: G3S1
Counties: Contra Costa, Lake (possibly extirpated), Sacramento
Quads in Buffer: Lakeport
Occ in Buffer: 1
Total Occ: 5
General Habitat: Historically found in the sloughs, slow-moving rivers, and lakes of the Central Valley.
Habitat Types: Aquatic, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters.
Microhabitat: Prefer warm water. Aquatic vegetation is essential for young. Tolerate wide range of physico-chemical water conditions.

AMPHIBIANS

| | |
|--------------------|-----------------------------|
| Common: | FOOTHILL YELLOW-LEGGED FROG |
| Scientific: | <i>Rana boylei</i> |
| | Family: Ranidae |

State: None
Federal: None
CDFG: California Special Concern, Protected
Other Designations: USFS Sensitive, BLM Sensitive
CNDDDB Rank: G3S2S3
Counties: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Lake, Madera, Marin, Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Placer, Plumas, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba
Quads in Buffer: Asti, Cloverdale, Highland Springs, Hopland, Orbaun Valley, Upper Lake, Yorkville
Occ in Buffer: 18
Total Occ: 287
General Habitat: Partly-shaded, shallow stream and riffles with a rocky substrate in a variety of habitats.
Habitat Types: Aquatic, chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, meadow and seep, riparian forest, riparian woodlands, Sacramento/San Joaquin flowing waters, Klamath/North Coast flowing waters
Microhabitat: Need at least some cobble size substrate for egg-laying. Need at least 15 weeks to attain metamorphosis.

APPENDIX C

REPTILES

| | | |
|--------------------|------------------------------------|-------------------------|
| Common: | NORTHWESTERN POND TURTLE | |
| Scientific: | <i>Clemmys marmorata marmorata</i> | Family: Emydidae |

State: None
Federal: None
CDFG: California Special Concern, Protected (full species)
Other Designations: USFS Sensitive, BLM Sensitive
CNDDDB Rank: G4T4S3
Counties: Amador, Butte, Colusa, El Dorado, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Sacramento, San Joaquin, Shasta, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Tuolumne, Yolo, Yuba
Quads in Buffer: Highland Springs, Upper Lake, Cloverdale
Occ in Buffer: 3
Total Occ: 119
General Habitat: Associated with permanent or nearly permanent water in a wide variety of habitats.
Habitat Types: Marsh and swamp, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, wetland, aquatic, artificial flowing waters, artificial standing waters, Klamath/North Coast flowing waters, Klamath/North Coast standing waters.
Microhabitat: Requires basking sites. Nest sites may be found up to 0.5 km from water.

BIRDS

| | | |
|--------------------|------------------------------------|----------------------------------|
| Common: | DOUBLE-CRESTED CORMORANT (rookery) | |
| Scientific: | <i>Phalacrocorax auritus</i> | Family: Phalacrocoracidae |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: None
CNDDDB Rank: G5S3
Counties: Alameda, Contra Costa, Del Norte, Lake, Lassen, Mariposa, Monterey, Sacramento, San Diego, San Francisco, San Mateo, Santa Barbara, Sonoma, Ventura
Quads in Buffer: Lakeport, Upper Lake
Occ in Buffer: 1
Total Occ: 32
General Habitat: Colonial nester on coastal cliffs and offshore islands, and along lake margins in the interior of the state.
Habitat Types: Riparian forest, riparian scrubs, riparian woodlands
Microhabitat: Nest along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins.

APPENDIX C

| | |
|---|-------------------------|
| Common: GREAT BLUE HERON (rookery) | Family: Ardeidae |
| Scientific: <i>Ardea herodias</i> | |

State: None
Federal: None
CDFG: None
Other Designations: CDF Sensitive
CNDDDB Rank: G5S4
Counties: Alameda, Butte, Del Norte, Glenn, Humboldt, Imperial, Lake, Lassen, Marin, Merced, Monterey, Placer, Riverside, Sacramento, San Joaquin, San Mateo, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Tulare, Yolo
Quads in Buffer: Lakeport, Upper Lake
Occ in Buffer: 1
Total Occ: 64
General Habitat: Colonial nester in tall trees, cliffsides, and sequestered spots on marshes.
Habitat Types: Marsh and swamp, riparian forest, wetland.
Microhabitat: Rookery sites in close proximity to foraging areas: marshes, lake margins, tide-flats, rivers and streams, wet meadows.

| | |
|--|-----------------------------|
| Common: NORTHERN GOSHAWK (nesting) | Family: Accipitridae |
| Scientific: <i>Accipiter gentiles</i> | |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: USFWS Migratory Nongame Bird of Management Concern, USFS Sensitive, CDF Sensitive
CNDDDB Rank: G4S3
Counties: Alpine, Butte, Calaveras, El Dorado, Fresno, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tulare, Tuolumne
Buffer Quads: Ormbaun Valley
Buffer Occ: 1
Total Occ: 384
General Habitat: In summer, within and in vicinity of coniferous forest. Uses old nests, and maintains alternate sites.
Habitat Types: Subalpine coniferous forest, upper montane coniferous forest.
Microhabitat: Usually nests on north slopes, near water. Red fir, lodgepole pine, Jeffrey pine, and aspens are typical nest trees.

APPENDIX C

| | |
|--|-----------------------------|
| Common: BALD EAGLE (nesting and wintering) | |
| Scientific: <i>Haliaeetus leucocephalus</i> | Family: Accipitridae |

State: Endangered
Federal: Threatened, proposed for delisting
CDFG: Fully Protected
Other Designations: CDF Sensitive
CNDDDB Rank: G4S2
Counties: Alameda, Alpine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lake, Lassen, Los Angeles, Madera, Modoc, Mono, Monterey, Napa, Nevada, Plumas, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tuolumne, Yuba
Quads in Buffer: Ornbaur Valley
Occ in Buffer: 1
Total Occ: 197
General Habitat: Ocean shorelines, lake margins, and river courses for both nesting and wintering. Most nests within one mile of water.
Habitat Types: Lower montane coniferous forest, old-growth
Microhabitat: Nests in large, old-growth, or dominant live tree with open branches, especially ponderosa pine. Roosts communally in winter.

| | |
|---|-----------------------------|
| Common: OSPREY (nesting) | |
| Scientific: <i>Pandion haliaetus</i> | Family: Accipitridae |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: CDF Sensitive
CNDDDB Rank: G5S3
Counties: Butte, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lake, Marin, Mendocino, Modoc, Mono, Placer, Plumas, Shasta, Siskiyou, Solano, Sonoma, Tehama, Trinity, Tuolumne
Quads in Buffer: Lakeport
Occ in Buffer: 1
Total Occ: 327
General Habitat: Ocean shore, bays, fresh-water lakes, and larger streams.
Habitat Types: Riparian forest
Microhabitat: Large nests built in tree-tops within 15 miles of good fish-producing body of water.

APPENDIX C

| | | |
|----------------------------|--|--------------------------|
| Common: | NORTHERN SPOTTED OWL | |
| Scientific: | <i>Strix occidentalis caurina</i> | Family: Strigidae |
| State: | None | |
| Federal: | Threatened | |
| CDFG: | None | |
| Other Designations: | IUCN Lower Risk-near threatened, USFWS Migratory Nongame Bird of Management Concern (full species), USFS Sensitive, | |
| CNDDDB Rank: | G3T2S2 | |
| Counties: | Colusa, Del Norte, Glenn, Humboldt, Lake, Marin, Mendocino, Napa, Shasta, Siskiyou, Sonoma, Tehama, Trinity | |
| Quads in Buffer: | Big Foot Mountain, Ornbaun Valley, Orrs Springs | |
| # Occ in Buffer: | 4 | |
| # Total Occ: | >1,400 | |
| General Habitat: | Old-growth forest or mixed stands of old-growth and mature trees. Occasionally in younger forest with patches of big trees. | |
| Habitat Types: | North Coast coniferous forest, old-growth, redwood | |
| Microhabitat: | High, multi-story canopy dominated by big trees, many trees with cavities or broken tops, woody debris and space under canopy. | |

| | | |
|----------------------------|---|--------------------------|
| Common: | TRICOLORED BLACKBIRD (Nesting colony) | |
| Scientific: | <i>Agelaius tricolor</i> | Family: Icteridae |
| State: | None | |
| Federal: | None | |
| CDFG: | California Special Concern | |
| Other Designations: | USFWS Migratory Nongame Bird of Management Concern, Audubon - California Watchlist, BLM Sensitive | |
| CNDDDB Rank: | G3S3 | |
| Counties: | Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Benito, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tuolumne, Ventura, Yolo, Yuba | |
| Quads in Buffer: | Lakeport, Upper Lake, Hopland | |
| # Occ in Buffer: | 3 | |
| # Total Occ: | 341 | |
| General Habitat: | Highly colonial species, most numerous in the Central Valley and vicinity. Largely endemic to California. | |
| Habitat Types: | Marsh and Swamp. | |
| Microhabitat: | Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony. | |

APPENDIX C

| | | | |
|--------------------|-------------------------------|----------------|-------------|
| Common: | BELL'S SAGE SPARROW (nesting) | Family: | Emberizidae |
| Scientific: | <i>Amphispiza belli belli</i> | | |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: USFWS Migratory Nongame Bird of Management Concern (full species), Partners in Flight – WatchList (full species), Audubon – California WatchList (full species),
CNDDDB Rank: G5T2?S2?
Counties: Lake, Mendocino, Riverside, San Bernadino
Quads in Buffer: Highland Springs
Occ in Buffer: 2
Total Occ: 5
General Habitat: Nests in hard chaparral dominated by fairly dense stands of chamise. Found in coastal sage scrub in south of range.
Microhabitat: Nest located on the ground beneath a shrub or in a shrub 6-18 inches above ground. Territories about 50 yards apart.

MAMMALS

| | | | |
|--------------------|-----------------------|----------------|------------|
| Common: | RED TREE VOLE | Family: | Cricetidae |
| Scientific: | <i>Arborimus pomo</i> | | |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: IUCN Data Deficient taxon
CNDDDB Rank: G4S3
Counties: Del Norte, Humboldt, Mendocino, Sonoma, Trinity
Quads in Buffer: Boonville, Ornbau Valley, Big Foot Mountain
Occ in Buffer: 6
Total Occ: 202
General Habitat: North Coast fog belt from Oregon border to Sonoma County in Douglas fir, redwood, and montane hardwood-conifer forests.
Microhabitat: Feeds almost exclusively on Douglas fir needles. Will occasionally take needles of grand fir, hemlock, or spruce.

APPENDIX C

| | | | |
|----------------------------|--|----------------|------------------|
| Common: | TOWNSEND'S WESTERN BIG-EARED BAT | | |
| Scientific: | <i>Corynorhinus townsendii townsendii</i> | Family: | Vespertilionidae |
| State: | None | | |
| Federal: | None | | |
| CDFG: | California Special Concern (full species) | | |
| Other Designations: | IUCN Vulnerable, USFS Sensitive (full species), BLM Sensitive (full species), Western Bat Working Group High Priority | | |
| CNDDDB Rank: | G5T3T4S3S2 | | |
| Counties: | Alameda, Colusa, Humboldt, Lake, Marin, Mendocino, Napa, San Joaquin, Santa Cruz, Yolo | | |
| Quads in Buffer: | Hopland, Purdy's Gardens | | |
| # Occ in Buffer: | 1 | | |
| # Total Occ: | 20 | | |
| General Habitat: | Humid coastal regions of northern and central California. Roost in limestone caves, lava tubes, mines, buildings, etc. | | |
| Microhabitat: | Will only roost in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to disturbance. | | |

APPENDIX D

| | | | |
|--------------------|------------------------------|----------------|--------------|
| Common: | SHARP-SHINNED HAWK (nesting) | Family: | Accipitridae |
| Scientific: | <i>Accipiter striatus</i> | | |

State: None
Federal: None
CDFG: California Special Concern
Other Designations: None
CNDDDB Rank: G4S3
Counties: Alameda, Calaveras, Napa (CNDDDB occurrences); Sonoma (Sonoma County Breeding Bird Atlas 1995); and Alpine, Amador, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Monterey, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yuba – within breeding range (CWHR)
Total Occ: 4
General Habitat: Breeds in ponderosa pine, black oak, riparian deciduous, mixed conifer and Jeffrey pine habitats. Prefers riparian areas.
Microhabitat: North-facing slopes, with plucking perches are critical requirements. Nests usually within 275 feet of water.

| | | | |
|--------------------|--------------------------------|----------------|------------|
| Common: | PEREGRINE FALCON (nesting) | Family: | Falconidae |
| Scientific: | <i>Falco peregrinus anatum</i> | | |

State: Endangered
Federal: None
CDFG: Fully Protected
Other Designations: USFWS Migratory Nongame Bird of Management Concern (full species), CDF Sensitive
CNDDDB Rank: G3T2S2
Counties: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba – within breeding range (CWHR)
Total Occ: 0
General Habitat: Frequents bodies of water in open areas with cliffs and canyons nearby for cover and nesting.
Habitat Types: Woodland, forest, and coastal habitats.
Microhabitat: Breeds near wetlands, lakes, rivers, or other water on high cliffs, banks, dunes, mounds. Nest is a scrape on a depression or ledge in an open site. Will nest on human-made structures, and occasionally uses tree or snag cavities or old nests of other raptors.

APPENDIX C

Special Animals with reported occurrences within a 1,000 sq.mi. buffer centered around
-Mendocino County, California

INVERTEBRATES

No occurrences of Special Invertebrates within the buffer area are reported in the California Natural Diversity Data Base

FISHES

| |
|---|
| Common: STEELHEAD – CENTRAL CALIFORNIA COAST ESU |
| Scientific: <i>Oncorhynchus mykiss irideus</i> Family: Salmonidae |

State: None
Federal: Threatened
CDFG: None
Other Designations: None
CNDDDB Rank : G5T2S2
Counties :
Quads in Buffer : Asti
Occ in Buffer : 1
Total Occ : 24
General Habitat: From Russian River, south to Soquel Creek and to, but not including, Pajaro River. Also San Francisco and San Pablo Bay basins.
Habitat Types: Aquatic
Microhabitat: None

APPENDIX D

| | | |
|--------------------|------------------------|-------------------------|
| Common: | VAUX'S SWIFT (nesting) | |
| Scientific: | <i>Chaetura vauxi</i> | Family: Apodidae |

| | |
|----------------------------|---|
| State: | None |
| Federal: | None |
| CDFG: | California Special Concern |
| Other Designations: | USFWS Migratory Nongame Bird of Management Concern, Audubon – California WatchList |
| CNDDDB Rank: | G5S3 |
| Counties: | Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Sonoma, Tehama, Trinity, Tulare, Tuolumne, Yuba – within breeding range (CWHR) |
| # Total Occ: | 0 |
| General Habitat: | The most important habitat requirement appears to be an appropriate nest-site in a large, hollow tree. Forages over most terrains and habitats, often high in the air. Shows an apparent preference for foraging over rivers and lakes. |
| Habitat Types: | Redwood, Douglas-fir, and occasionally other coniferous forests. |
| Microhabitat: | Nests in large hollow trees and snags, especially tall, burned out stubs. Will occasionally nest in chimneys Sonoma County Breeding Bird Atlas |

| | | |
|--------------------|-------------------------|-----------------------------|
| Common: | PURPLE MARTIN (nesting) | |
| Scientific: | <i>Progne subis</i> | Family: Hirundinidae |

| | |
|----------------------------|--|
| State: | None |
| Federal: | None |
| CDFG: | California Special Concern |
| Other Designations: | None |
| CNDDDB Rank: | G5S3 |
| Counties: | Napa, Mendocino (CNDDDB occurrences); Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Lake, Lassen, Madera, Marin, Mariposa, Merced, Modoc, Monterey, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba – within breeding range (CWHR) |
| # Total Occ: | 2 |
| General Habitat: | Inhabits woodlands, low elevation coniferous forest of Douglas-fir, ponderosa pine, and Monterey pine. |
| Microhabitat: | Nests in old woodpecker cavities mostly, also in human-made structures. Nest often located in tall, isolated tree/snag. |

APPENDIX D

MAMMALS

| | | | |
|----------------------------|--|----------------|------------------|
| Common: | LONG-EARED MYOTIS | Family: | Vespertilionidae |
| Scientific: | <i>Myotis evotis</i> | | |
| State: | None | | |
| Federal: | None | | |
| CDFG: | None | | |
| Other Designations: | BLM Sensitive | | |
| CNDDDB Rank: | G5S4 | | |
| Counties: | Mariposa, San Bernardino (CNDDDB occurrences); Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Lake, Lassen, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba – within summer range (CWHR) | | |
| # Total Occ: | 4 | | |
| General Habitat: | Found in all brush, woodland, and forest habitats from sea level to about 9,000 feet. Prefers coniferous woodlands and forests. | | |
| Microhabitat: | Nursery colonies in buildings, crevices, spaces under bark, and snags. Caves used primarily as night roosts. | | |

| | | | |
|----------------------------|---|----------------|------------------|
| Common: | LONG-LEGGED MYOTIS | Family: | Vespertilionidae |
| Scientific: | <i>Myotis volans</i> | | |
| State: | None | | |
| Federal: | None | | |
| CDFG: | None | | |
| Other Designations: | Western Bat Working Group – High Priority, BLM Sensitive | | |
| CNDDDB Rank: | G5S4 | | |
| Counties: | Kern, San Bernardino (CNDDDB occurrences); Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, San Benito, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba – within yearlong range (CWHR) | | |
| # Total Occ: | 4 | | |
| General Habitat: | Most common in woodland and forest habitats above 4000 feet, but records range from sea level to 11,400 feet. Trees are important day roosts; caves and mines are used only as night roosts. Feeds over water and over open habitats, using denser woodlands and forests for cover and reproduction. | | |
| Microhabitat: | Nursery colonies usually under bark or in hollow trees, but occasionally in crevices or buildings. | | |

APPENDIX D

| | | |
|----------------------------|---|---------------------------|
| Common: | OLIVE-SIDED FLYCATCHER (nesting) | |
| Scientific: | <i>Contopus borealis</i> | Family: Tyrannidae |
| State: | None | |
| Federal: | None | |
| CDFG: | None | |
| Other Designations: | USFWS Migratory Nongame Bird of Management Concern, Audubon – California WatchList | |
| CNDDDB Rank: | G5S4 | |
| Counties: | Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba – within breeding range (CWHR) | |
| # Total Occ: | 0 | |
| General Habitat: | Most numerous in montane conifer forest where tall trees overlook canyons, meadows, lakes or other open terrain. Extent and density of forest habitat less important than amount of air space that can be scanned from its highest perches. | |
| Habitat Types: | Mixed conifer, montane hardwood-conifer, Douglas-fir, redwood, redfir, lodgepole pine | |
| Microhabitat: | Requires large, tall trees, usually conifers, for nesting and roosting sites; also lofty perches, typically the dead tips or uppermost branches of the tallest trees in vicinity, for singing posts and hunting perches. Nests usually close to water source. | |

Appendix E

Vertebrate Species list detected at the proposed Blackmer Family Guest House Project, 32857 Leofs Lane, Fort Bragg, CA 95437

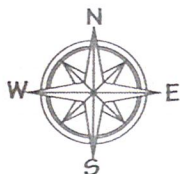
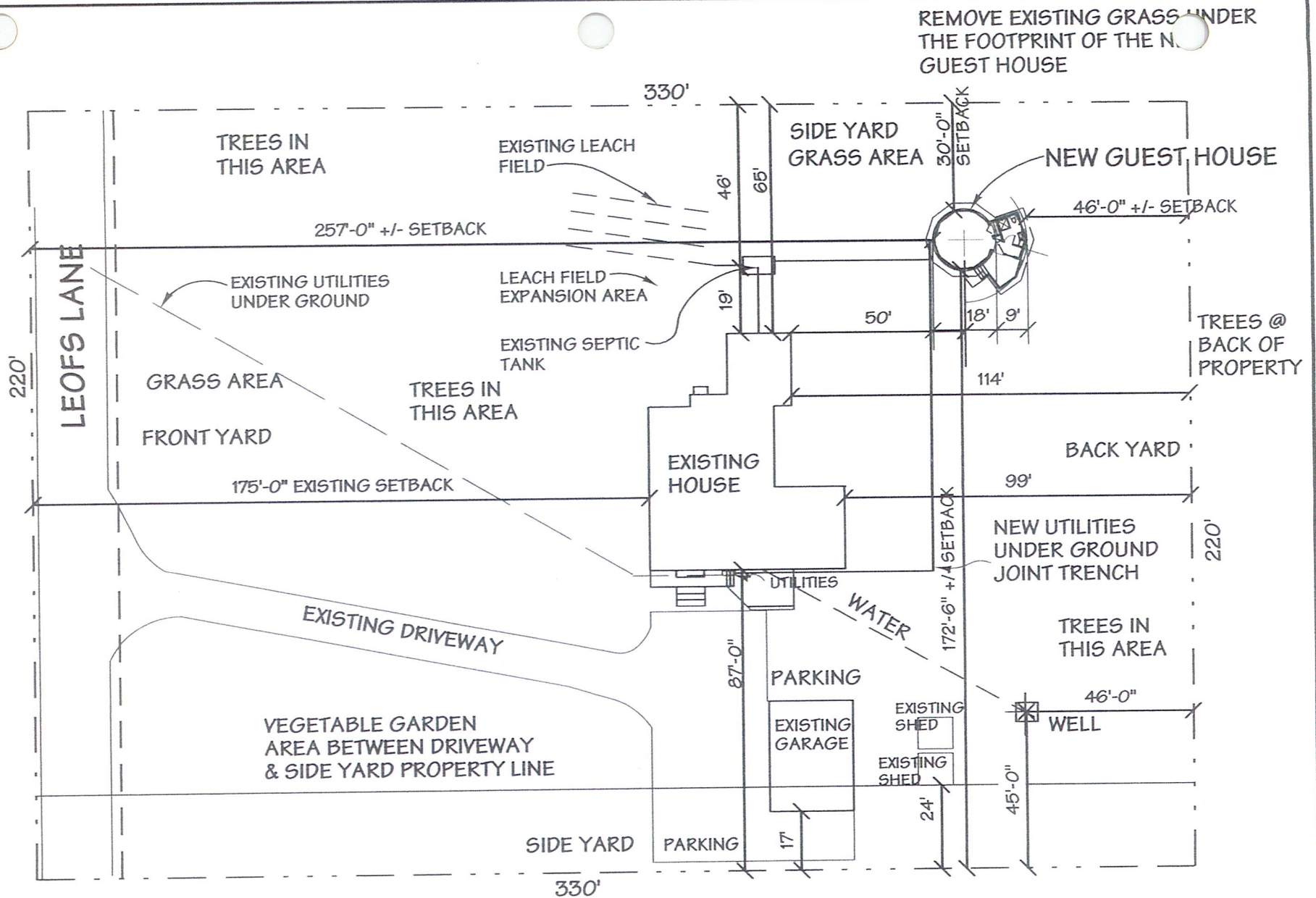
Vertebrate Species Field Survey conducted by Oak Springs Studio, Brian J.F. Manning, on April 5, 2021 and Feb. 9, 2021.

Grey squirrel (resident)

Skunk (resident)

Columbian black-tailed deer (transient)

Wild turkey (transient)



SITE PLAN

SCALE: 1" = 40'

BIOLOGICAL ASSESSMENT

NEW GUEST HOUSE FOR:
STEPHEN & SUSAN BLACKMER
32857 LEOFS LANE
FORT BRAGG, CA 95437

A.P.N. 017-350-56 ATTACHMENT Q

712

OAK
SPRINGS
STUDIO

FORT BRAGG

CHESTNUT ST.

NOYO BAY

NOYO BAY

PACIFIC
OCEAN

HIGHWAY 1

HWY 20

SIMPSON LN.

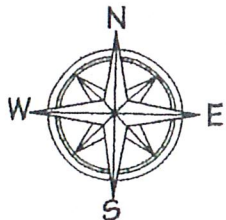
BROOKFIELD DR.

LEOFS LN.

MCDONNELL LN.

PROJECT SITE
32857 LEOFS LN.

BRIAN
JF
MANNING



LOCATION MAP

SCALE:

N.T.S.

ATTACHMENT Q

Vandy Vandewater - CDP 2020-0026 Blackmer

From: "Korhummel, Rhiannon@Wildlife" <Rhiannon.Korhummel@Wildlife.ca.gov>
To: Vandy Vandewater <vandewaters@mendocinocounty.org>
Date: 11/13/2020 11:14 AM
Subject: CDP 2020-0026 Blackmer
Cc: "Garrison, Jennifer@Wildlife" <jennifer.Garrison@wildlife.ca.gov>

Hello Vandy,

Thank you for the referral and the opportunity for CDFW to comment on CDP 2020-0026. We offer the following informal comments and recommendations on this Project in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These comments are intended to help the Lead Agency in making informed decisions early in the review process.

Aerial imagery of the parcel and surrounding areas indicates the potential for sensitive resources to be present within the subject parcel and in the proposed project area. No biological assessment has been conducted therefore potential sensitive resources are unknown. No description of where vegetation removal is to occur or what vegetation is to be removed, therefore no potential impacts to sensitive resources through vegetation removal are known. The potential of impacts to species of special concern is possible based on nearby vegetation type; additionally, impacts to breeding birds and/or roosting bats has the potential to occur through the proposed project. Confirmation of presence or absence of wetlands is also recommended.

CDFW Recommendations:

A biological resources assessment and wetland delineation should be conducted for the project to determine what sensitive resources may be present and the extent of those resources, the potential impacts to those sensitive resources, and mitigation measures for those impacts. A biological resources report should report on vegetation to be cleared and depict location. The biological assessment should include a rare plant and Sensitive Natural Communities survey following CDFW protocol:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

I am available for questions or clarifications.

Thanks,

Rhiannon Korhummel

Environmental Scientist

Coastal Conservation Planning

California Department of Fish and Wildlife

32330 North Harbor Drive

Fort Bragg, CA 95437

Cell (707) 799-7106

rhiannon.korhummel@Wildlife.ca.gov



Mendocino County Board of Supervisors Agenda Summary

Item #: 4p)

To: Board of Supervisors

From: Sheriff-Coroner

Meeting Date: November 9, 2021

Department Contact: Matthew Kendall

Phone: 463-4085

Department Contact: My Lan Do Nguyen

Phone: 463-4408

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Authorization to Purchase Tek84 Intercept Whole Body Scanner for the Mendocino County Jail in the Amount of \$163,040.31; and Addition of the Item to the County List of Fixed Assets

Recommended Action/Motion:

Authorize the purchase of Tek84 Intercept Whole Body Scanner for the Mendocino County Jail in the amount of \$163,040.31; and add the item to the County List of Fixed Assets; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

The Board approves fixed asset purchases as necessary throughout the year.

Summary of Request:

The Sheriff's Office does not have a body scanner that can detect and intercept dangerous substances such as Fentanyl, heroin, and methamphetamine concealed by inmates in their body cavities. The Mendocino County Jail has not been able to fit a body scanner due to the dimensions of those on the market. With advances in technology, there is now body scanning equipment that can be accommodated in our facility. By using the Tek84 Intercept Whole Body Scanner to intercept narcotics, Corrections will have a better chance of avoiding bad outcomes, such as severe injury or death of inmates and staff, due to narcotic overdose or exposure.

Alternative Action/Motion:

Return to staff for alternative handling.

How Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: 0474 WR-864370

budgeted in current f/y: Yes

Item #: 4p)

current f/y cost: \$163,040.31**if no, please describe:****annual recurring cost:** N/A**revenue agreement:** No**budget clarification:** One-time purchase with Cal MMET funds. Funding included in budget unit; this action authorize the purchase of the fixed asset.**Agreement/Resolution/Ordinance Approved by County Counsel:** N/A

CEO Liaison: Cherie Johnson, Deputy CEO**CEO Review:** Yes**CEO Comments:****FOR COB USE ONLY**

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original AgreementsReturned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.



Mendocino County Sheriff's Office
951 Low Gap Rd.
Ukiah, CA 95482
ATTN: Captain Pearce
pearcet@mendocinocounty.org
(707) 234-2000

August 27, 2021

Please see the quotation below for the Tek84 Intercept Whole Body Scanner:

Quote: 2021-08-28

| Qty | Part Number | Description | Net Ea. | Ext. Price |
|-----|----------------|--|-----------------------------------|---------------------|
| 1 | SSD-017-1002 | Tek84 Intercept Whole Body Security Scanning System High Strength Aluminum Unibody Frame 160Kv Monoblock Oil Cooled Generator 34" x 72" x 90" (79" top removed) footprint 4 Second Scan Time Variable Scanning Dosage with three techniques Beginning at 0.25uSv In accordance with ANSI/HPS N43-17-2009 Radiation Safety Standard Tethered Ethernet Connected Workstation with 27" Vertically Mounted Touch Screen Monitor PC with Windows10 Operating System Transportable on Built In Heavy Duty Caster System With Corner Stabilizer Feet 16 Million Gray Scale Levels 110V/60hz 1Kva | \$149,750 | \$149,750 |
| 1 | INT- INSTALL | ½ Day Installation | INC | INC |
| 1 | INT- TRAINING | 2.5 Days Formal On Site Operator Training | INC | INC |
| 1 | INT-WARRANTY-3 | Three-year parts and labor on entire system from time of delivery. | INC | INC |
| 1 | INT-SHIPPING | Shipping Cost from Poway, CA to Ukiah, CA. | INC | INC |
| | | | Ukiah, CA. Sales Tax \$ 13,290.31 | |
| | | | TOTAL | \$163,040.31 |

By execution of this agreement by an authorized signature, the customer agrees to purchase the products specified subject to the terms and conditions set forth in the agreement and subject to Tek84 Terms and Conditions available at Tek84.com

DAP: Destination, Mendocino County, CA.
Terms: Net 30 Days
Taxes: Add as necessary or provide exemption certificate
Expiration: September 27th, 2021

Accepted By:

Tek84:

Brian Amos – Western Regional Sales Manager

Printed Name and Title

Authorized Signature:

Date: 8/27/2021

Authorized Signature

Date:



What is Intercept?

The only American-made body scanner that detects both metallic and nonmetallic threats, including weapons, drugs, cell phones and other contraband. Screens from below the feet to above the head revealing items under the clothing and within the body.

- Unmatched detection

- Patented vertical scan
- Widely used in US jails
- Subject doesn't move
- Quick 3.8 second scan
- Ultra-small footprint
- 2-hour installation
- Photo ID tied to scan
- Made in the USA
- Exceptional training
- No-contact screening
- Thermal camera detects fevers
- **Buy with ARP funds!**

CONTACT US

Why Choose Intercept?



Buy with Federal Funds

The Tek84 Intercept scanner is an ideal purchase for your American Rescue Plan funding. One product solves two problems: detecting concealed threats while protecting against COVID-19 transmission.



Nothing Hides from Intercept

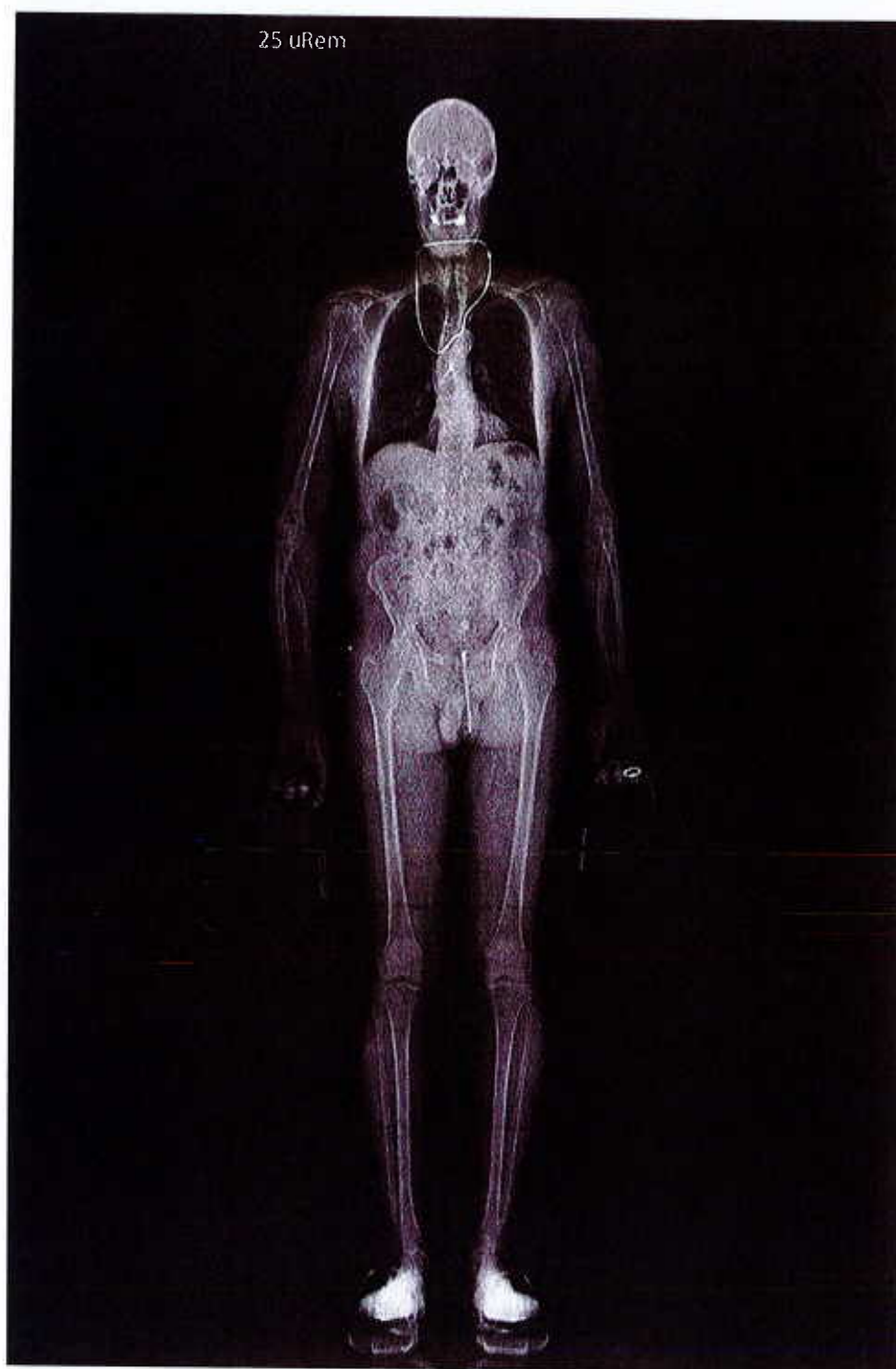
X-ray imaging reveals both metallic and non-metallic threats, including weapons, drugs, cell phones and other contraband. Each subject is screened from below their feet to above their head, showing objects under their clothing and within their body.



Fast Screening – No Touching

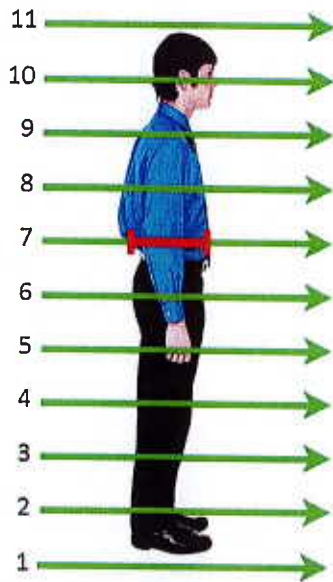
One staff member can screen up to 180 subjects per hour, while maintaining the COVID-safe distance of 6 feet between people. An FDA-approved thermal camera measures the temperature of each inmate, providing an early indication of COVID-19 and other infections.



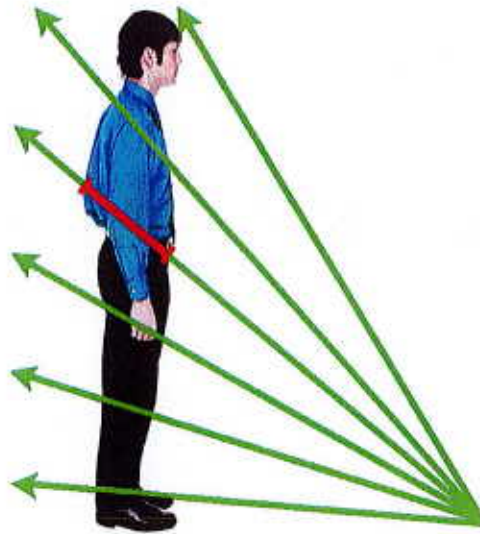


A typical Intercept image using the lowest setting, 25 uRem. Intercept can operate at up to 200 uRem for even better image quality.

Items detected: Teeth fillings, neck chain, nonmetallic object in shoe heel, ring, and zipper.



The Intercept beam passes through about 11 inches of body tissue in the torso.



Other scanners use an angled path, making the beam pass through about 16 inches.

Next Generation Inmate Screening

Easy to use – Widely Accepted

More than 2,000 jails, prisons and detention facilities use x-ray body scanners to search inmates. The subject simply stands on the Intercept stationary platform for a quick 3.8-second scan. Instantly, a detailed x-ray image appears on the high-resolution monitor, showing objects under the clothing and within body cavities.

Extremely Safe – Regulated by the FDA

Airport body scanners only detect items hidden under the clothing. The Intercept scanner is different. It also detects items within the body by transmitting a weak x-ray beam completely through the subject. Scanned images appear similar to medical exams, yet only require about

1% of the x-ray level. Federal safety standards allow each person to be screened up to 1,000 times per year on the lowest setting, allowing daily use. The Intercept scanner's highest setting produces better images and allows 125 scans per year.

Better Images, Lower Dose, No Distortion

The Intercept scanning beam penetrates directly from back to front. This uses the shortest distance through the body, about 11 inches in thickness. In contrast, other products scan at an angle, which requires the beam to pass through about 16 inches of tissue. The extra 5 inches of thickness has a devastating effect on image quality and the dose required. Plus, angled scans make a 140 lbs person look like 300 lbs!

The Intercept horizontal beam also prevents image distortion; the belly button appears directly in front of the small of the back. With angled x-ray scanning, the belly button appears between the shoulder blades.

Patented Technology: Vertical Scanning

Intercept is a true breakthrough in body scanner technology, scanning the person vertically instead of horizontally. The scanning beam starts below the feet and moves vertically upward to above

the head. This vertical scanning provides revolutionary benefits over all other approaches:



Quick setup; a few hours (not a few days)



A quick 3.8-second scan (not 7-15 seconds)



Ultra-small footprint, only 34" x 72" (not 9' x 9')



Better image quality; lower x-ray dose



Person remains stationary (does not stand on a moving conveyer belt or platform)



No image distortion, objects appear in the image at the same location as on the body





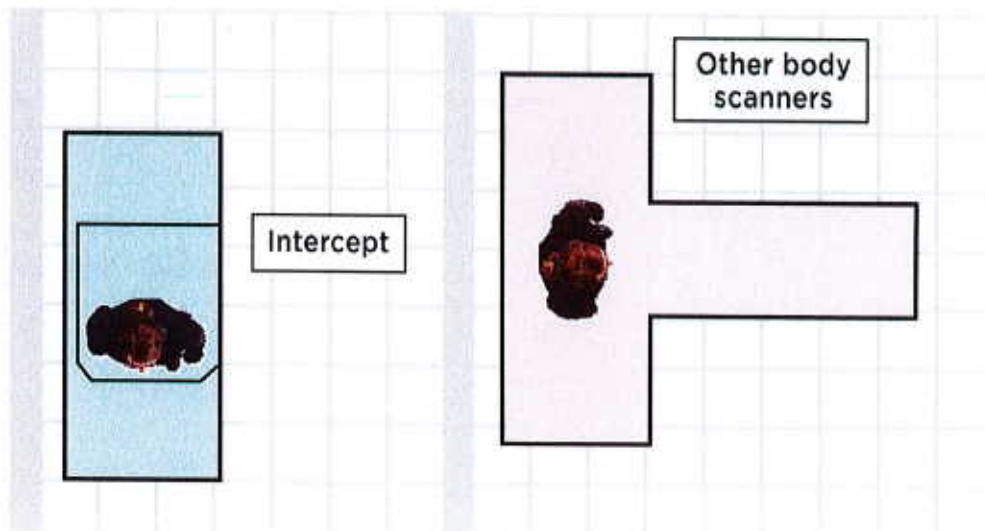
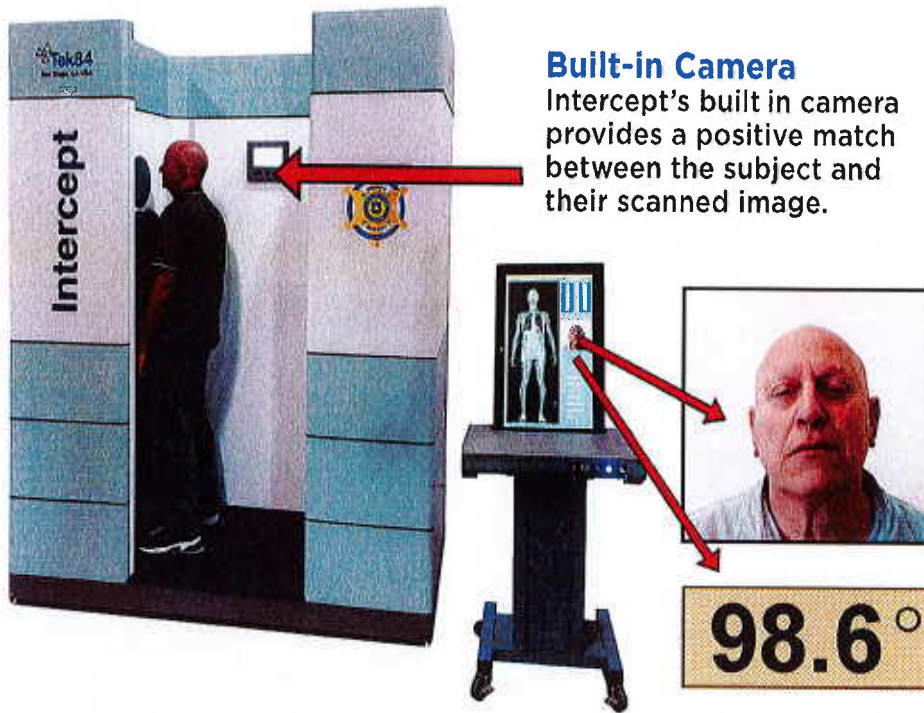
**With built in wheels,
Intercept easily passes through doorways as small as 35" x
80"**

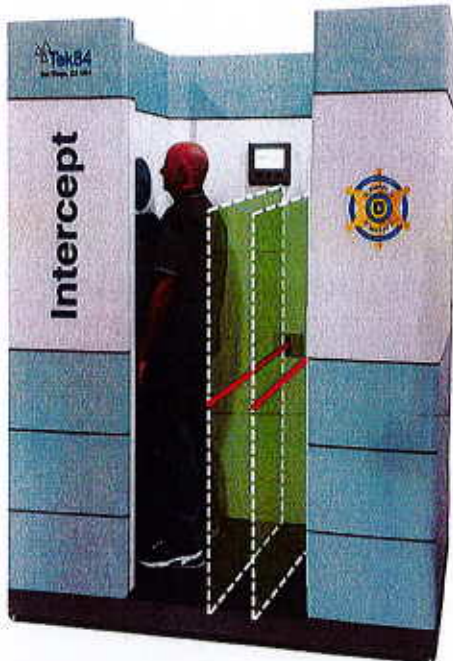
Join Hundreds of Jails & Prisons Using COVID Funds to Buy Body Scanners

The Tek84 Intercept scanner detects concealed threats plus reduces COVID transmissions, making it an ideal purchase for your American Rescue Plan funding. One staff member can screen up to 180 subjects per hour while maintaining the COVID-safe distance of 6 feet. An FDA approved thermal camera measures the body temperature of each inmate to provide an early indication of COVID-19 and other infections.

CONTACT US



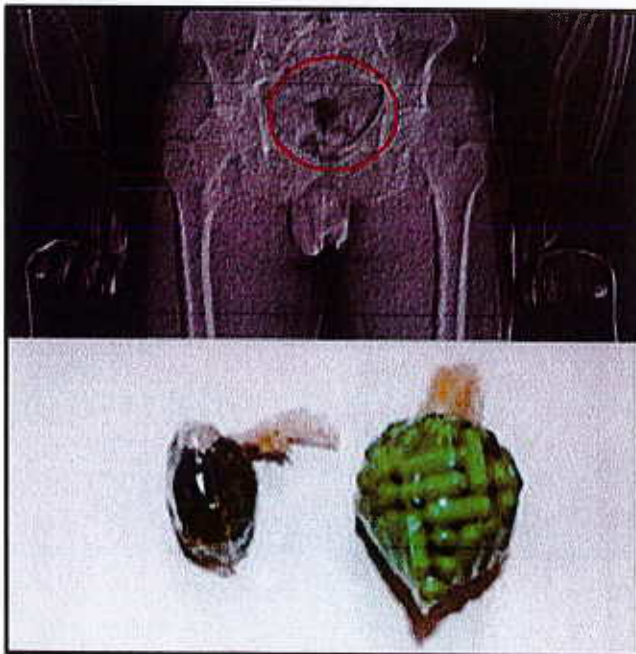




Dual Virtual-Wall

Detects subject out of position
Dual Virtual-Wall

- Notifies the operator
- Prevents scanning
- Stops inprogress scans
- ANSI N4317 Compliant
- Configurable for local requirements



An actual seizure from a US Jail in 2020. A routine scan at booking showed a dark anomaly, consistent with an object concealed in the rectum. When confronted, the subject removed two balloons, one containing cannabis gummies and the other sleeping pills.

Intercept™ Specifications

Physical

Footprint: 34" x 72" (86 x 183 cm)
Height: 90" (211 cm) Assembled
79" (201 cm) top removed for transport
Weight: 720 lbs (328 kg)

Electrical

Power: 100/120/230 VAC, 50/60 Hz, 800 watt
Tolerant of poorly regulated power

Environmental

Operating: 32-120°F (0- 50° C)
Humidity: Less than 95%, noncondensing

Radiation Safety

Dose: General-use: 25 uRem (0.25 uSv) per scan, suitable for daily screening;
Limited-use: up to 200 uRem (2.0) uSv per scan, suitable for weekly screening;
effective dose to subject measured in accordance with ANSI/HPS N43-17-2009
Leakage: Inspection zone is the scanner footprint;
<0.2 mR (2 uGy) in any 1 hour
Standards: Complies with ANSI/HPS N43.17-2009 (Body Scanner Radiation Safety)
Complies with ANSI/IEEE N42.47-2010 (Body Scanner Image Quality)

Intercept is protected under U.S. patents: 10,481,295, 10,705,244, 10,705,245, and 10,845,500. International and other US patents pending.

Quick, Convenient, Reliable

Ultra-Small Footprint

The Intercept scanner is compact, requiring a floor space of only 34" x 72". Other body scanners require up to three times this area. The built-in

wheels and removable roof makes installation and relocation quick and easy.

Shipped Fully Assembled

The Intercept scanner is shipped fully assembled and moved through doorways as small as 35" wide and 80" high. Other body scanners are shipped on multiple pallets and built on site over several days.

Made in the USA

Intercept is the only inmate body scanner made in the USA. Tek84 employees are your friends, relatives, and neighbors. Competing body scanners are made in China, Belarus, Brazil, and Western Europe.

County Sheriffs Praise Intercept





Captain Earl Mays III
911 E Musser St.
Carson City, NV 89701
Emays@carson.org

11 Aug 21

Quo: 2021-08-13

Please see the quotation below for the Tek84 Intercept Whole Body Scanner:

| Qty | Part Number | Description | Net Ea | Ext. Price |
|-------|----------------|--|------------|------------|
| 1 | SSD-017-1002 | Tek84 Intercept Whole Body Security Scanning System High Strength Aluminum Unibody Frame 160Kv Monoblock Oil Cooled Generator 34" x 72" x 90" (79" top removed) foot print 4 Second Scan Time Variable Scanning Dosage with three techniques Beginning at 0.25uSv In accordance with ANSI/HPS N43-17-2009 Radiation Safety Standard Tethered Ethernet Connected Work Station with 27" Vertically Mounted Touch Screen Monitor PC with Windows10 Operating System Transportable on Built In Heavy Duty Caster System With Corner Stabilizer Feet 16 Million Gray Scale Levels 110V/60hz 1Kva | \$139,000. | \$139,000 |
| 1 | INT- INSTALL | ½ Day Installation | INC | INC |
| 1 | INT- TRAINING | 2.5 Days Formal On Site Operator Training | INC | INC |
| 1 | INT-WARRANTY-6 | Six Year Parts and Labor on Entire System from time Of Install- (First year is included at no cost) | \$7,500 | \$37,500. |
| 1 | SSD-017-9950 | Integrated Thermal Camera with Temperature Measurement | \$20,000 | \$20,000 |
| 1 | INT-SHIPPING | Shipping Cost from Poway, CA to Carson, City, NV | INC | INC |
| TOTAL | | | | \$196,500 |

DAP: Destination, Carson City, NV
Terms: Net 30 Days
Taxes: ADD as Necessary or provide exemption certificate
Quote Expiration: Sep 11, 2021

Accepted By:
Printed Name and Title _____

Tek84:
Kent E Smart, Vice President, Domestic Sales

Authorized Signature _____ Date _____

Authorized Signature: Date 8/11/2021

13495 Gregg Street
Poway, CA 92064
Phone: 858-676-5382
www.Tek84.com

INTERCEPT™



Full Body Scanner– External and Internal



Detects both metallic and nonmetallic threats, including weapons, drugs, cell phones and other contraband. Screens from below the feet to above the head, revealing items under the clothing and within the body.

- ✓ Widely used in US jails
- ✓ Subject doesn't move
- ✓ Quick 3.8 second scan
- ✓ Ultra-small footprint
- ✓ 2-hour installation
- ✓ Photo ID tied to scan
- ✓ Buy with Covid ARP funds!!

 **Tek84**
Advanced Security Screening



INTERCEPT™

Internal and External Threat Detection

Easy to use – Widely Accepted

More than 2,000 jails, prisons and other detention facilities rely on x-ray body scanners to search inmates. The subject simply stands on the Intercept stationary platform for a quick 3.8 second scan. Instantly, a detailed x-ray image appears on the high-resolution monitor, showing objects hidden under the clothing and within body cavities.

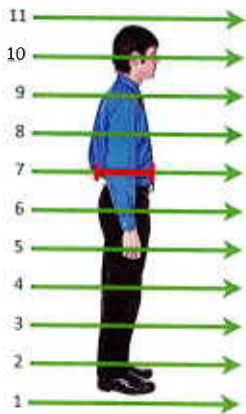
Extremely Safe – Regulated by the FDA

Airport body scanners only detect items hidden under the clothing, not within the body. Intercept is different, transmitting a weak x-ray beam completely through the subject. The scanned images appear similar to medical exams, but use less than 1% of the x-ray level. Federal safety standards allow each person to be screened up to 1,000 times per year on the lowest setting, allowing daily use. Intercept's highest setting produces more detailed images, with up to 125 scans per year.

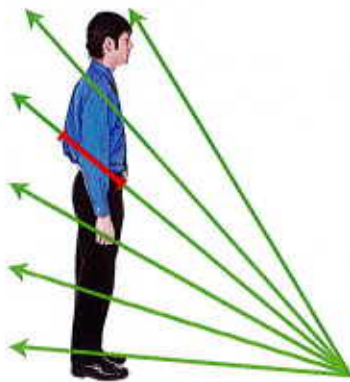
Better Images, Lower Dose, No Distortion

As shown below, Intercept's scanning beam passes through the person directly from back to front. This is the shortest distance possible through the body, about 11 inches in thickness. In contrast, other products scan at an *angle*, requiring the beam to pass through about 16 inches of tissue. This five inches of extra thickness has a devastating effect on image quality and dose, making a 140 lbs person look like 300 lbs!

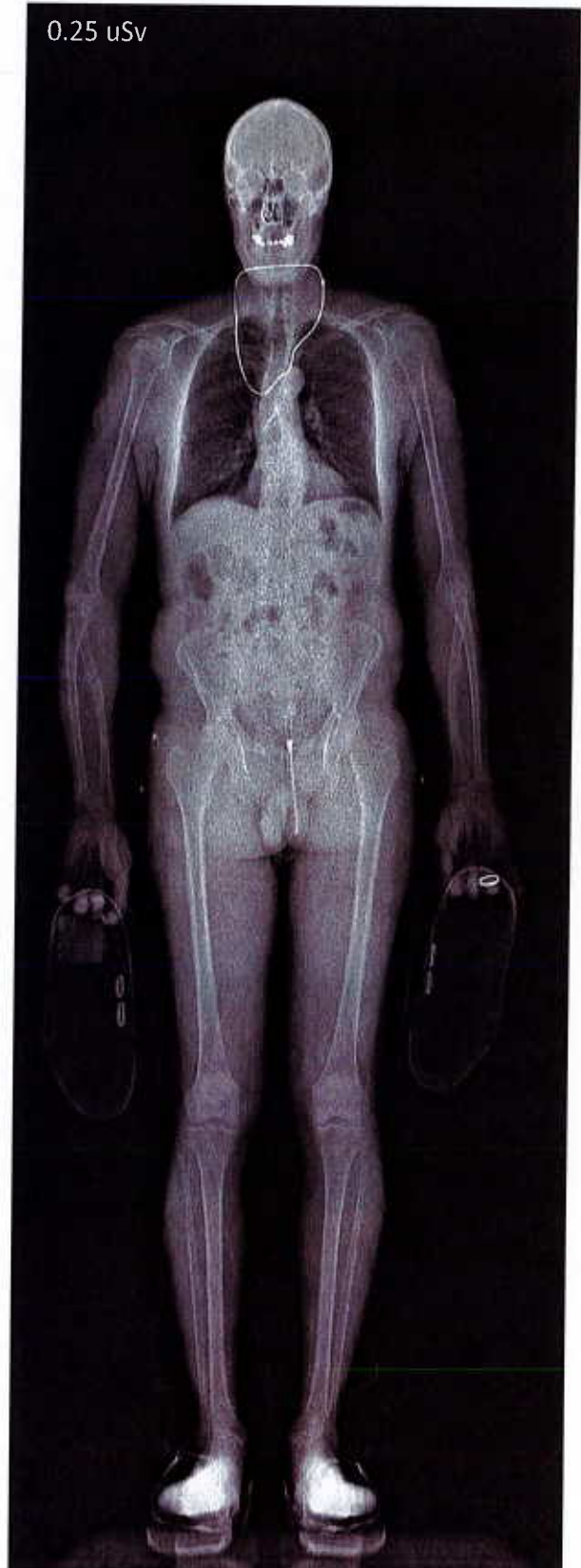
Just as important, this means that Intercept's images have no distortion; the belly button appears directly in front of the small of the back, as it should. With angled x-ray scanning, the belly button appears at the same location as the shoulder blades, making image analysis extremely difficult.



The Intercept beam passes through about 11 inches of body tissue in the torso.



Other scanners use an angled path, making the beam pass through about 16 inches.



A typical image from Intercept on the lowest setting, 0.25 uSv. Items: teeth fillings, neck chain, object in shoe heel, ring and zipper. Intercept can operate at up to 200 uRem for even better image quality.



Sales@Tek84.com
858-676-5382

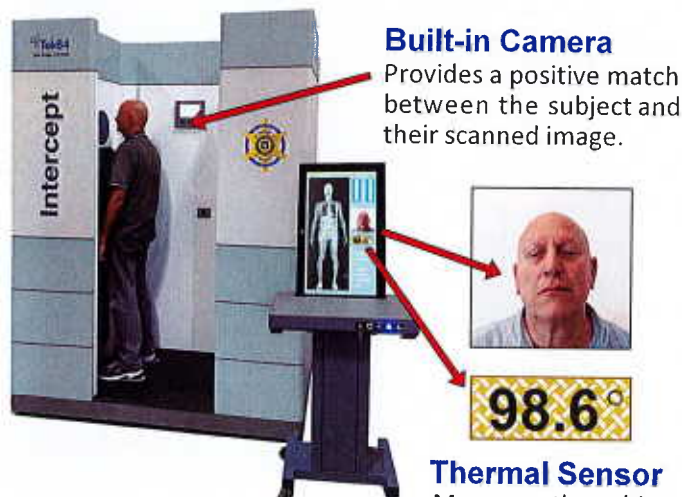
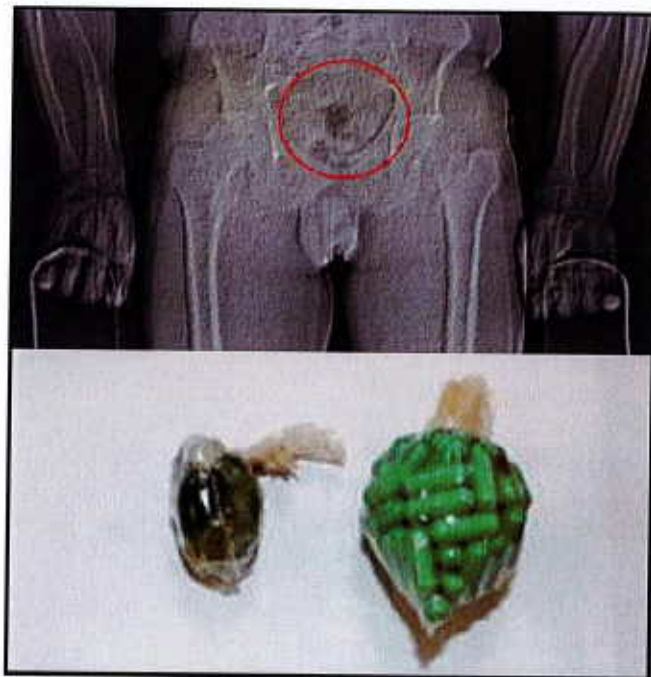
The Critical Difference: Vertical Scanning

Intercept is a true breakthrough. Other scanners require the person to stand for 7-14 seconds on a moving conveyor belt or platform, transporting them *horizontally* through the x-ray beam. Intercept's patented technology is different; the subject remains stationary, while the scanning apparatus moves *vertically* around them. Why is this better?

- **Best image quality, lowest dose.** Because the beam always passes through the minimum body thickness.
- **Subject safety.** Subjects are often handcuffed, intoxicated, and/or combative. The last place you want them standing is on moving equipment.
- **A quick 3.8 second scan.** Other body scanners require 7-14 seconds, the fastest you can move a person on a conveyor.
- **Ultra-small footprint.** At only 34" deep and 72" wide, Intercept can fit just about anywhere. The footprint of other scanners needs to be about 8' x 8' to move the person.
- **Ultra-small safety zone.** Federal standards require a safety zone around body scanners, where operators and bystanders are prohibited during operation. This is typically a 20' diameter circle around other scanners. Intercept's unique construction allows sophisticated internal radiation shielding, making the safety zone nothing more than the *footprint of the scanner*.
- **Easy Installation and Relocation.** Intercept installs like a refrigerator. It ships fully assembled on wheels, rolls through standard doorways, and plugs into a standard wall socket. A typical installation is 2-hours. Other scanners are too large to install this way; they ship on multiple pallets and build on site.

Case Study: Internal Detection of Drugs

An actual seizure from a US Jail in 2020. A routine scan at booking showed a dark anomaly, consistent with an object concealed in the rectum. When confronted, the subject removed two balloons, one containing cannabis gummies and the other sleeping pills.



Built-in Camera

Provides a positive match between the subject and their scanned image.

Thermal Sensor

Measures the subject temperature, detects fevers, fights Covid.



Dual Virtual-Wall

- Detects if the subject is out of position
- Notifies the operator
- Prevents scanning
- Stops in-progress scans
- ANSI N43-17 Compliant
- Configurable for local requirements



**MADE IN
THE USA**

Tek84 proudly makes Intercept in the USA. Competing products are imported from China, Brazil, Belarus & Western Europe.

Join Hundreds of Jails & Prisons Using CARES and ARP Funds to Buy Body Scanners

Intercept detects concealed threats while reducing Covid transmission— making it an ideal purchase for your unused CARES and American Rescue Plan funds. One staff member can screen up to 180 subjects per hour while maintaining the required 6-foot Covid-safe distance. An FDA approved thermal camera measures the body temperature of each subject to provide an indication of Covid-19 and other infections.

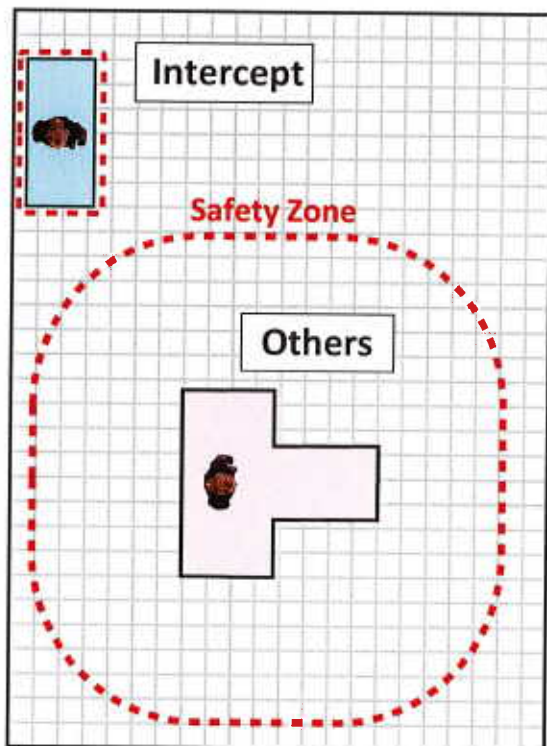
INTERCEPT™

Quick, Convenient, Reliable

Ultra-Small Footprint and Safety Zone

Intercept is extremely compact, requiring a floor space of only 34" x 72". Other body scanners require three times this area. But more important is the **Safety Zone**, where bystanders & operators must be excluded during operation. The Safety Zone for Intercept is nothing more than the scanner footprint. The Safety Zone for other scanners is enormous, 5 to 8 feet away in all directions.

The small footprint, no additional Safety Zone and easy movement allows Intercept to fit just about anywhere. Many facilities even operate Intercept in a hallway, with nothing more than a standard wall plug being needed.



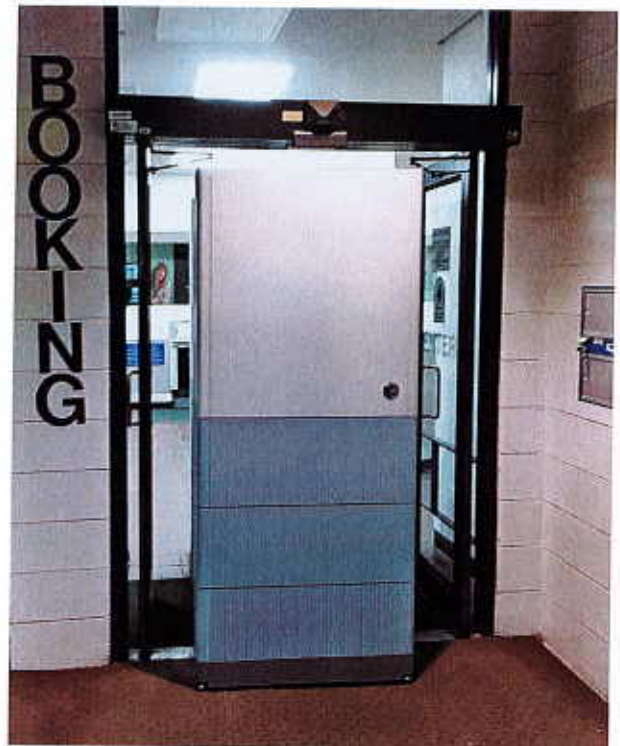
Each square = one foot



13495 Gregg Street, Poway, CA 92064

858-676-5382 Sales@Tek84.com

Tek84 develops and manufactures high-technology security products for screening and surveillance. For over three decades we have pioneered the use of ultra-low-dose x-ray imaging. Our products rapidly & safely screen for weapons, explosives, drugs, and other contraband. Our engineers created the world's first body scanner (1991); highest resolution surveillance camera (2001); the first drive-through car bomb detection portal (2009); and Intercept, the first inmate scanner with vertical scanning technology (2018).



Intercept is shipped fully assembled and can be pushed through standard doorways. A typical installation is less than 2-hours. Other body scanners must be shipped on multiple pallets and built at the site over several days.

Intercept™ Specifications

Physical

Footprint: 34" x 72" (86 x 183 cm)
Height: 90" (211 cm) Assembled
79" (201 cm) top removed for transport
Weight: 720 lbs (328 kg)

Electrical

Power: 100/120/230 VAC, 50/60 Hz, 800 watt
Tolerant of poorly regulated power

Environmental

Operating: 32-120°F (0- 50° C)
Humidity: Less than 95%, noncondensing

Radiation Safety

Dose: General-use: 0.25 uSv (25 uRem) per scan, suitable for daily screening;
Limited-use: up to 2.0 uSv (200 uRem) per scan, suitable for weekly screening;
effective dose to subject measured in accordance with ANSI/HPS N43.17-2009
Leakage: Inspection zone is the scanner footprint; <2 uGy (0.2 mR) in any 1 hour
Standards: Complies with ANSI/HPS N43.17-2009 (Body Scanner Radiation Safety)
Complies with ANSI/IEEE N42.47-2010 (Body Scanner Image Quality)

Intercept is protected under U.S. patents: 10,481,295, 10,705,244, 10,705,245, and 10,845,500. International and other U.S. patents pending.

Intercept



FA # _____

Fixed Asset Request Form - FY 2021/22 Budget

NOTE: Fixed assets are those items (even if purchased separately, are part of one unit) that have a useful life of more than one year and are valued at \$5,000 or more. Note: Office furniture, as an example, (panels, files, desktops, shelves etc) should be considered a fixed asset, if costing more than \$5,000, even if individual parts of the unit are less than \$5,000. Do not include vehicles on this form.

Department: MCSO Budget Unit: 0474 Org Code: WR

| | | |
|--|-------------------|-----------------|
| Item Description: Whole Body Scanner | Quantity: 1 | Cost: \$163,040 |
| Manufacture: Tek84 | Model#: Intercept | Quote Source: |
| Justification and | | |
| Funding Source: Cal MMET Funds - 86-4370 | | |

The Sheriff's Office currently does not have a body scanner with ability to detect and intercept dangerous substances such as Fentanyl, heroin and methamphetamine concealed within inmate body cavities. By detecting these substances, Corrections staff will have a better chance at preventing bad outcomes, such as serious injury and death of inmates or staff.

Requested By: Captain Tim Pearce

| | | |
|-------------------|-----------|---------------|
| Item Description: | Quantity: | Cost: |
| Manufacture: | Model#: | Quote Source: |
| Justification and | | |
| Funding Source: | | |

Requested By:

| | | |
|-------------------|-----------|---------------|
| Item Description: | Quantity: | Cost: |
| Manufacture: | Model#: | Quote Source: |
| Justification and | | |
| Funding Source: | | |

Requested By:



Mendocino County Board of Supervisors Agenda Summary

Item #: 4q)

To: Board of Supervisors

From: Water Agency

Meeting Date: November 9, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Adopting California Department of Fish And Wildlife's Aquatic Invasive Species Disinfection/Decontamination Protocols for Mill Creek Ponds (Talmage Area)

Recommended Action/Motion:

Adopt resolution adopting California Department of Fish And Wildlife's Aquatic Invasive Species Disinfection/Decontamination Protocols for Mill Creek Ponds (Talmage Area); and authorize Chair to sign same.

Previous Board/Board Committee Actions:

By Resolution Number (No.) 20-056 (May 19, 2020), the Board authorized and directed the Chief Executive Officer to submit a grant application to the California Department of Parks and Recreation Division of Boating and Waterways (DBW) to implement the Quagga and Zebra Mussel Prevention Plan for Mill Creek Ponds.

Summary of Request:

California Code of Regulations (CCR) Title 14, Section 672.1(b) requires that any agency owning or managing a reservoir, where recreational, boating, or fishing activities are permitted, shall develop and implement a dreissenid (Quagga and Zebra) mussel prevention program. California Department of Parks and Recreation Division of Boating and Waterways (DBW) awarded the County of Mendocino a grant, in the amount of \$54,696.40, for implementation of the County's Quagga and Zebra Mussel Prevention Plan for Mill Creek Ponds. The term of the grant agreement is October 19, 2020 through October 18, 2022. One of the tasks required to fulfill the grant requirements and comply with state regulations is the adoption of California Department of Fish and Wildlife (CDFW) Aquatic Invasive Species (AIS) Disinfection/Decontamination Protocol at Mill Creek Ponds. A draft resolution, adopting the CDFW AIS Disinfection/Decontamination Protocols is included for the Board's consideration.

Alternative Action/Motion:

Do not adopt CDFW's AIS Disinfection/Decontamination Protocols for Mill Creek Ponds and provide direction to staff.

How Does This Item Support the General Plan?

Adoption of this resolution supports the continued work of the Mussel Prevention Implementation Plan for

Item #: 4q)

Mill Creek Ponds which is critical for maintaining the integrity of the aquatic habitat at the Mill Creek County Park. This supports Mendocino County General Plan, Resource Management Policy 3: "Work cooperatively with property owners, agencies, and organizations to develop and support programs that maintain the integrity of stream systems for flood control, aquatic habitat, and water supply."

Supervisory District: District 1

vote requirement: Majority

Supplemental Information Available Online At: www.mendocinocounty.org/dontmoveamussel
<<http://www.mendocinocounty.org/dontmoveamussel>>

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S AQUATIC INVASIVE SPECIES DISINFECTION/DECONTAMINATION PROTOCOLS FOR MILL CREEK PONDS (TALMAGE AREA)

WHEREAS, the County of Mendocino is committed to protecting its fish, wildlife, and plant resources, as well as supporting working landscapes; and

WHEREAS, preventing the infestation of aquatic invasive species, particularly Quagga Mussels and Zebra Mussels, into waters within the County's borders is an important consideration to protect the natural ecology and economic health reliant upon aquatic systems; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 672.1(b) requires that any agency owning or managing a reservoir, where recreational, boating, or fishing activities are permitted, shall develop and implement a dreissenid (Quagga and Zebra) mussel prevention program; and

WHEREAS, the County of Mendocino owns and operates the Mill Creek Ponds, which are reservoirs as defined in Section 6004.5 of the California Water Code, within Mill Creek County Park; and

WHEREAS, the County of Mendocino, in order to implement its Quagga and Zebra Mussel Prevention Plan for Mill Creek Ponds, developed in accordance with CCR Title 14, Section 672.1(b), has the responsibility of adopting protocols required to be followed by all departments of the County of Mendocino, contractors for the County of Mendocino, and other government agencies that perform work in or around or withdraw water from Mill Creek Ponds; and

WHEREAS, the California Department of Fish and Wildlife (CDFW) has developed a protocol to prevent the spread of aquatic invasive species (AIS), included as attachment A; and

WHEREAS, said procedures established by CDFW, if adopted by the County of Mendocino, would require agencies to follow the Aquatic Invasive Species Decontamination Protocols while performing in or around or withdrawing water from Mill Creek Ponds.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Adopts California Department of Fish And Wildlife's Aquatic Invasive Species (AIS) Disinfection/Decontamination Protocols for Mill Creek Ponds, included as Attachment A; and

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2. Directs that all departments, agencies, and contractors within the County of Mendocino that perform work in or around or withdraw water from Mill Creek Ponds shall follow the AIS Decontamination Protocol for all personnel and equipment that come into contact with the reservoirs.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

ATTACHMENT A

Aquatic Invasive Species Disinfection/Decontamination Protocols for Mill Creek Ponds

The County of Mendocino is committed to protecting its fish, wildlife, and plant resources, as well as supporting working landscapes. Since the spread of damaging aquatic invasive species (AIS), such as Quagga Mussels and Zebra Mussels, in California continues to grow each year, preventing the infestation of those species into waters within the County's borders is an important consideration requiring proactive measures.

The water bodies owned and managed by the County of Mendocino include two reservoirs (Mill Creek Ponds) at Mill Creek County Park in Talmage, and preventing potential introduction of Quagga and Zebra Mussels into the ponds is within the jurisdiction and authority of the County. As such, all departments of the County of Mendocino, contractors for the County of Mendocino, and other government agencies that perform work in or around or withdraw water at Mill Creek Ponds will be required to follow the AIS Decontamination Protocol outlined below. This protocol has been developed by the California Department of Fish and Wildlife, and represents the most current scientific knowledge on how to prevent the spread of aquatic invasive species.

California Department of Fish and Wildlife

Aquatic Invasive Species Disinfection/Decontamination Protocols (Northern Region)

Revision February 2016

Facts about Quagga and Zebra Mussels (Dreissenid mussels)

- Dreissenid mussels multiply quickly and out-compete other species for food and space.
- Dreissenid mussels attach to hard and soft surfaces, and physically disrupt water delivery systems, hydroelectric facilities, agriculture, recreational boating and fishing.
- Their presence can alter food webs and environments, negatively affecting native and game fish species.
- Adults can survive up to 30 days out of water in cool, humid conditions.
- They produce microscopic larvae that can be unknowingly transported in water, including live-wells, bilges, and motors.

General procedures to prevent the spread of AIS:

- If decontamination is not done on site, transport contaminated equipment in sealed plastic bags and keep separate from clean gear.
- Gear may be dedicated for a specific field site but should be left on site and be cleaned when moved off site.
- Sets of field gear may be rotated in and out of field per cleaning cycle.
- When practical, begin work upstream and work downstream. This avoids transporting AIS to non-infested upstream areas.

Equipment Decontamination/Disinfection Methods

Option 1: Standard Decontamination (Office Method)

Freeze + Saltwater Immersion + Dry

This option consists of three parts, as freezing alone may not kill some organisms (e.g. chytrid fungus, Sudden Oak Death Syndrome, etc.).

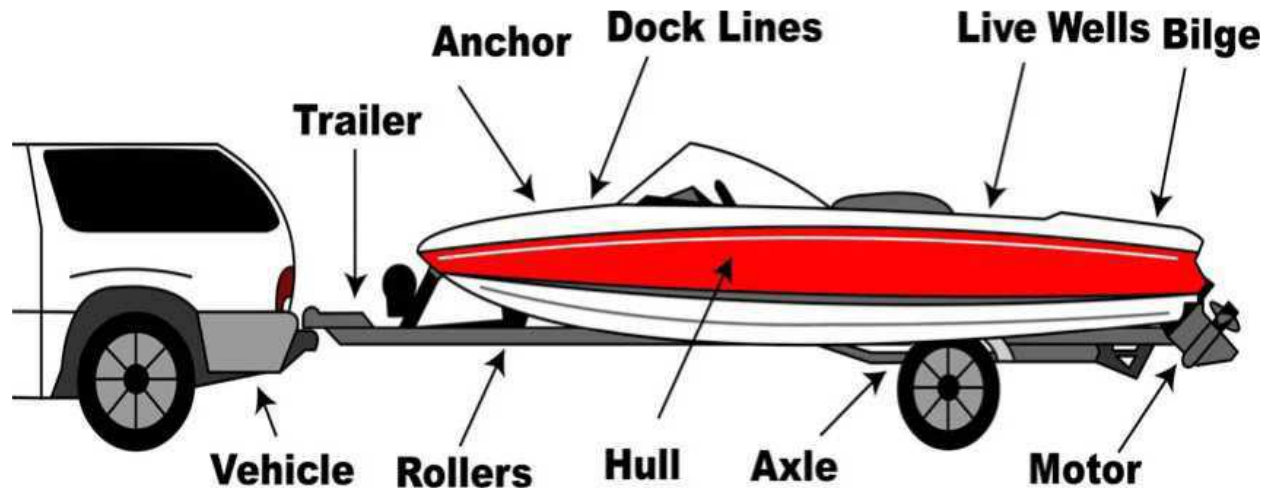
- Scrub gear before leaving field with a stiff-bristled brush to remove all debris. Thoroughly brush small crevices such as boot laces, seams, net corners, etc.
- Bag gear for transport from field to office.
- Place gear and bag in a freezer below 32°F for a minimum of eight hours.
- Thaw gear and bag.
- Immerse gear and bag in 5-10% saltwater solution for 10 minutes.
- Rinse gear and hang gear to dry.

Option 2: Chemical Treatment (Field Method)

In general, chemical decontamination/disinfection should only be used when Option 1 cannot be performed, and clean gear is not available. This would be the case when conducting activities at more than one watershed or between long distances with one set of gear before returning to the base office where a freezer, saltwater immersion and drying rack are located.

- Prepare disinfection solution by diluting concentrate containing GS HD 256 (quat) in a well-ventilated space using gloves, eye protection and a NIOSH approved N95 filter mask. See Dilution Table on page 4 for dilution factors. Pour decontamination solution into a suitable holding container and submerge gear for at least 10 minutes. Gear may need to be weighed-down and/or rotated for complete and sustained immersion.
- Check field gear immersed in disinfection solution and inspect it to make sure all surfaces have been wetted for the required time.
- After treatment, rinse field gear with fresh water (not water from previous waterbody--to avoid further contamination). Dispose of rinse water at least 100 feet from any surface water.
- Make up fresh solution as needed and discard after it becomes heavily soiled with organic matter. Check with quat test strips: readings should be above 500 ppm for adequate disinfection.
- Disinfection solution should be saved to be disposed of in a wastewater sewer facility (not in a septic system) or it can be neutralized on site. For onsite neutralization of quat solution, mix the remaining working solution with bentonite clay as directed in the Dilution Table, below. Mix the bentonite/quat. decontamination solution slurry a couple of times before pouring it out on the ground at least 100 ft. away from surface water. This method will neutralize quaternary ammonium in 3-5 hours.

Watercraft Decontamination



- Prior to leaving the launch area, remove all debris from your watercraft, trailer, and equipment. Dispose of all material in the trash, on site if possible.
- Prior to leaving the launch area drain all water from your watercraft and dry all areas, including motor, motor cooling system, live wells, bilges, and lower end unit. Before leaving water body area, run motor dry for 5-10 seconds to flush water from engine.
- After leaving a ***known or suspected invasive mussel infested water*** pressure wash the watercraft and trailer at base facilities, with 140°F water, including all of the boat equipment (i.e. ropes, anchors, etc.) that had come into contact with the water.
- Flush the engine, live wells, bilges, and all other areas that could contain water with hot water that is at least 140°F. Make sure that water is contained sufficiently so that it doesn't run into storm drains or surface waters.

Activities, Equipment and Watercraft Subject to Decontamination

Water Quality Sampling

Temperature, depth, dissolved oxygen, pH, conductivity, calcium concentration, water

Biological Monitoring

Boats and other flotation devices and associated gear

Waders and boots

Dip nets, angling gear

Water Withdrawal Equipment

Intake hose: water truck or fire response helicopter

Dip bucket: fire response helicopter

Trout Stocking for Recreational Angling

Water supply at fish rearing facility must adhere to CDFW AIS Protocol

Affected Entities

Mendocino County Departments and Agencies

- Water Agency

- Transportation

- Parks and Recreation

- Environmental Health

- Public Health

California Agencies

- Department of Fish and Wildlife

- Division of Safety of Dams

- Department of Boating and Waterways

- Department of Forestry and Fire Protection

Private Companies Contracting with County of Mendocino

- Fire Response – water tender

- General Construction – water tender

U.S. Government Agencies

- USDI Bureau of Land Management

Notice of Receipt and Confirmation of Conformance

As the _____ of the _____
Official's Position *Department and Agency*

I confirm that I have read and understand the protocol described by the California Department of Fish and Wildlife, and agree to follow said protocol when representatives of the _____ perform work at or associated with the two reservoirs at Mill Creek County Park in the County of Mendocino.

Signature

Date



California Department of Fish and Wildlife, Aquatic Invasive Species Disinfection/Decontamination Protocols (Northern Region)

The California Department of Fish and Wildlife (CDFW) is committed to protecting the state's diverse fish, wildlife, and plant resources, and the habitats upon which they depend. Preventing the spread of aquatic invasive species (AIS) in both CDFW's activities, as well as those activities CDFW permits others to conduct is important to achieving this goal. The protocols outlined below are a mandatory condition of your CDFW authorization to work in aquatic habitats intended to prevent the spread of AIS. This applies to CDFW personnel and as a condition for permitting work in aquatic environments in Region 1.

Information about New Zealand mudsnails (NZMS), quagga and zebra mussels, chytrid fungus and Sudden Oak Death Syndrome is summarized in Attachments A through D. For more complete information on the threats of AIS and aids to their identification, please visit the links provided in this document and the Department's Invasive Species Program webpage at:

<https://www.wildlife.ca.gov/Conservation/Invasives>

Many AIS are difficult, if not impossible, to see in the environment and can be unknowingly transported to new locations on equipment. Therefore, decontamination is necessary to prevent the spread of AIS between different waterbody locations. To achieve this, equipment should be decontaminated following the protocols outlined in this document. All equipment that comes into contact with water during field activities and watercraft should be decontaminated using one or more of the protocols listed below.

General procedures to prevent the spread of AIS:

- If decontamination is **not** done on site, transport contaminated equipment in sealed plastic bags and keep separate from clean gear.
- Gear may be dedicated for a specific field site but should be left on site and be cleaned when moved off site.
- Sets of field gear may be rotated in and out of field per cleaning cycle.
- When practical, begin work upstream and work downstream. This avoids transporting AIS to non-infested upstream areas.

Equipment Decontamination/Disinfection Methods

Option 1: Standard Decontamination (Office Method)

Freeze + Saltwater Immersion + Dry

This option consists of three parts, as freezing alone may not kill some organisms (e.g. chytrid fungus, Sudden Oak Death Syndrome, etc.).

- Scrub gear before leaving field with a stiff-bristled brush to remove all debris. Thoroughly brush small crevices such as boot laces, seams, net corners, etc.
- Bag gear for transport from field to office.
- Place gear and bag in a freezer below 32°F for a minimum of eight hours.
- Thaw gear and bag.
- Immerse gear and bag in 5-10% saltwater solution for 10 minutes (see Dilution Table on p. 4).
- Rinse gear.
- Hang gear to dry.

References

Johnson M.L, L. Berger, L. Philips, R. Speare. Fungicidal effects of chemical disinfectants, UV light, desiccation and heat on the amphibian chytrid *Batrachachytrium dendrobatitis* in DISEASES OF AQUATIC ORGANISMS. Vol. 57: 255-260, 2003

Richards, D.C., P. O'Connell, and D.C. Shinn. 2004. Simple control method to limit the spread of the New Zealand mudsnail, *Potamopyrgus antipodarum*. North American Journal of Fisheries Management 24(1):114-117.

USFS Intermountain Region Technical Guidance, For Resource Advisors, Preventing the Spread of Aquatic Invasive Organisms Common To The Intermountain Regions. 2014 Technical Guidelines for Fire Operations.

Option 2: Chemical Treatment (Field Method)

In general, **chemical** decontamination/disinfection should only be used when Option 1 cannot be performed and clean gear is not available. This would be the case when conducting activities at more than one watershed or between long distances with one set of gear before returning back to the base office where a freezer, salt water immersion and drying rack are located.

- Prepare disinfection solution by diluting concentrate containing GS HD 256 (quat) in a well-ventilated space using gloves, eye protection and a NIOSH approved N95 filter mask. See Dilution Table on page 4 for dilution factors. Pour decontamination solution into a suitable holding container and submerge gear for at least 10 minutes. Gear may need to be weighed-down and/or rotated for complete and sustained immersion.
- Check field gear immersed in disinfection solution and inspect it to make sure all surfaces have been wetted for the required time.
- After treatment, rinse field gear with *fresh* water (**not water from previous waterbody--to avoid further contamination**). Dispose of *rinse water* at least 100 feet from any surface water.
- Make up fresh solution as needed and discard after it becomes heavily soiled with organic matter. Check with quat test strips: readings should be above 500 ppm for adequate disinfection.
- Disinfection solution should be saved to be disposed of in a wastewater sewer facility (not in a septic system) **or** it can be neutralized on site. For onsite neutralization of quat solution, mix the remaining working solution with bentonite clay as directed in the Dilution Table, below. Mix the bentonite/quat. decon. solution slurry a couple of times before pouring it out on the ground at least 100 ft. away from surface water. This method will neutralize quaternary ammonium in 3-5 hours.

Dilution Table

| Concentrate | to 1 gal. water | to 5 gal. water |
|-------------------------------|-------------------------|--------------------------|
| NaCl ¹ (rock salt) | 1.5cups (9% salt) | 7.5 cups (9% salt) |
| GS HD 256 ² | 2.5 oz. (1.8% solution) | 12.5 oz. (1.8% solution) |
| bentonite clay ^{3,4} | 12 tbs. | 3.75 cups |

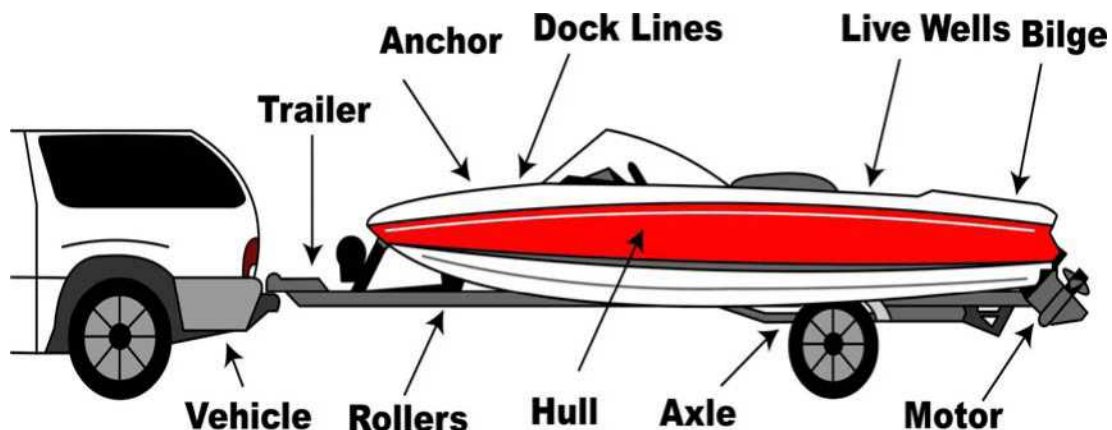
References

1. Johnson M.L, L. Berger, L. Philips, R. Speare. Fungicidal effects of chemical disinfectants, UV light, desiccation and heat on the amphibian chytrid *Batrachachytrium dendrobatitis* in DISEASES OF AQUATIC ORGANISMS. Vol. 57: 255-260, 2003
2. USFS Intermountain Region Technical Guidance, For Resource Advisors, Preventing the Spread of Aquatic Invasive Organisms Common To The Intermountain Regions. 2014 Technical Guidelines for Fire Operations
3. United States Patent, Petrille, III et al. Methods of Detoxifying Quaternary Ammonium Compounds Toward Aquatic Organisms. Patent# 5518636. May 21, 1996
4. CDFW Northern Region unpublished data.2016

Safety Data Sheets

GS HD 256: http://www.spartanchemical.com/msds_sds/downloads/AGHS/EN/3508.pdf

Watercraft Decontamination



- Prior to leaving the launch area, remove all debris from your watercraft, trailer, and equipment. Dispose of all material in the trash, on site if possible.
- Prior to leaving the launch area drain all water from your watercraft and dry all areas, including motor, motor cooling system, live wells, bilges, and lower end unit. Before leaving water body area, run motor dry for 5-10 seconds to flush water from engine.
- After leaving a **known or suspected invasive mussel infested water** pressure wash the watercraft and trailer at base facilities, with 140°F water¹, including all of the boat equipment (i.e. ropes, anchors, etc.) that had come into contact with the water.
- Flush the engine, live wells, bilges, and all other areas that could contain water with hot water that is at least 140°F. Make sure that water is contained sufficiently so that it doesn't run into storm drains or surface waters.

¹To ensure 100% mortality the water needs to be 140° F or greater at the point of contact.

Attachment A

New Zealand Mudsnaill:

- NZMS reproduce asexually therefore it only takes a single NZMS to colonize a new location.
- NZMS are prolific, and a single NZMS can give rise to 40 million snails in one year.
- Densities of over 750,000 NZMS per square meter have been documented.
- NZMS out-compete and replace native invertebrates that are the preferred foods of many fish species and alter the food web of streams and lakes.

Identifying NZMS:

- NZMS average 1/8 inch in length, but young snails may be as small as a grain of sand. Adults bear live young.
- See the photos, below, for assistance identifying NZMS. Expert identification will be necessary to confirm identification.

NZMS Habitat:

- NZMS can live in most aquatic habitats, including silted river bottoms, clear mountain streams, reservoirs, lakes and estuaries.
- NZMS have a temperature tolerance of 32-77° F.
- NZMS can survive out of water for more than 25 days in cool, moist environments, and have been found alive over 40 feet from water.

Known locations can be found and new records should be reported to the USGS at: <http://nas.er.usgs.gov/taxgroup/mollusks/default.aspx>

Descriptive features of the New Zealand Mudsnail

IDENTIFYING THE NEW ZEALAND MUDSNAIL

Size: A mature snail is usually less than 5 mm (.2 in) long. (Photo by Jane and Michael Liu.)

Shape: Shell is elongated and dextral (its whorls or spirals lean toward the right). Snail typically has between 5 to 6 whorls on its shell. (Photo by D. L. Gustafson, <http://www.esg.montana.edu/aim/mollusca/nzms/>.)

Color: Most snails have a light- to dark-brown shell that may appear to be black when wet. (Photo by Jane and Michael Liu.)

Embryos: Upon dissection, mature snails will have brooded embryos. (Photo by D. L. Gustafson, <http://www.esg.montana.edu/aim/mollusca/nzms/>.)

Operculum: The mudsnail operculum (a rounded plate that seals the mouth of the shell when the animal's body is inside) can be seen on live snails but is not easily visible on dead or preserved snails. (Photo by D. L. Gustafson, <http://www.esg.montana.edu/aim/mollusca/nzms/>.)



Attachment B

Quagga and Zebra Mussels:

- Dreissenid mussels multiply quickly and out-compete other species for food and space.
- Their presence can alter food webs and environments, negatively affecting native and game fish species.
- Dreissenid mussels attach to hard and soft surfaces, and physically disrupt water delivery systems, hydroelectric facilities, agriculture, recreational boating and fishing.
- Adults can survive up to 30 days out of water in cool, humid conditions.
- They produce microscopic larvae that can be unknowingly transported in water, including live-wells, bilges, and motors.

Identifying Dreissenid mussels:

- Typically the same size as a fingernail but can grow up to about 2 inches long.
- Variable, usually dark and light alternating stripes. May also be solid cream, brown, or black.

Dreissenid mussel habitat:

- Variable, including both hard and soft surfaces in freshwater.
- From surface depth to more than 400 feet in depth.



Current known locations of Dreissenid mussels in California can be found at: <http://nas.er.usgs.gov/taxgroup/mollusks/zebramussel/>

Attachment C

Chytrid Fungus

The disease has been linked to dramatic population declines and even extinctions of amphibians in several parts of the world including North America. Thirty percent of amphibian populations may have been affected by this disease, worldwide. Chytrid fungus or Bd (*Batrachochytrium dendrobatidis*) is invisible to the naked eye, but its effects can be seen in many amphibian populations that have been exposed to it. Certain animals/populations, however, seem to be immune and some may actually act as carriers of the disease. The fungus breaks down amphibians' keratinized tissue causing morbidity. This subsequently causes mortality. For more information on chytrid fungus see:

http://cirs.ucr.edu/chytrid_fungus.html



Effects of Chytrid fungus.

Attachment D

Sudden Oak Death Syndrome (SODS)

Since the mid-1990s Sudden Oak Death Syndrome, *Phytophthora ramorum*, has killed millions of tanoak trees and several oak (*Quercus*) tree species (coast live oak, California black oak, Shreve oak, and canyon live oak), and caused twig and foliar diseases in numerous other plant species, including California bay laurel, Douglas-fir, and coast redwood.

P. ramorum thrives in cool, wet climates. In California, coastal evergreen forests and tanoak/redwood forests within the fog belt are the primary habitat. For more information, visit www.suddenoakdeath.org



Tanoak mortality in Humboldt Co. circa 2006.

For questions on CDFW Northern Region Aquatic Invasive Species procedures contact:

L. Breck McAlexander, Region 1 Aquatic Invasive Species Coordinator LMCALEXANDER@dfg.ca.gov; off.: (530) 225-2317; mobile: (530) 440-0208.

Revision February 2016



Mendocino County Board of Supervisors Agenda Summary

Item #: 4r)

To: Board of Supervisors

From: Transportation

Meeting Date: November 9, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170060, 2017 Storm Damage Repairs on Comptche Ukiah Road, County Road 223, Milepost 17.25 (Comptche Area)

Recommended Action/Motion:

Adopt Resolution approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170060, 2017 Storm Damage Repairs on Comptche Ukiah Road, County Road 223, milepost 17.25 (Comptche Area); and authorize Chair to sign same.

Previous Board/Board Committee Actions:

By Resolution Number (No.) 17-064 (May 16, 2017), the Board of Supervisors authorized Department of Transportation (DOT) to advertise for bids and award DOT Contract No. 170060 for construction of the 2017 Storm Damage Repairs on Comptche Ukiah Road.

Summary of Request:

Construction has been completed. DOT would like to file the Notice of Completion to commence the applicable lien periods, and pending no claims, release Contract Sureties after expiration of lien periods. Contract surety must be released as prescribed by existing laws.

Alternative Action/Motion:

Postpone approval of the Notice of Completion and release of Contract Sureties for DOT Contract No. 170060.

How Does This Item Support the General Plan? This Item supports the roadway element of transportation systems in the General Plan by keeping vital infrastructure to the roadway functioning in order to support motorized vehicle travel.

Supervisory District: District 5

vote requirement: Majority

Supplemental Information Available Online At: N/A

Item #: 4r)

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges
Solid Waste & Landfills
Water Agency

**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

November 9, 2021

TO: Howard N. Dashiell, Director of Transportation

FROM: Chris Gialdini, Resident Engineer

RE: NOTICE OF COMPLETION OF THE 2017 STORM DAMAGE REPAIRS ON
COMPTCHE UKIAH ROAD, CONTRACT NUMBER 170060

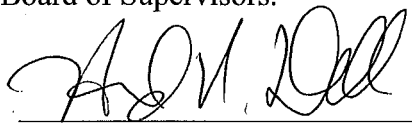
I have made the final inspection of the above-referenced Department of Transportation Contract Number 170060, and now report that all work has been completed in substantial compliance with approved plans, specifications, special provisions and authorized change orders of the contract.

The project construction was completed on the date indicated below and I recommend its acceptance by the Board of Supervisors.


CHRIS GIALDINI
Resident Engineer

11/9/21
Date

As Director of Transportation for the County of Mendocino, I hereby recommend acceptance of the above-referenced project by the Board of Supervisors.


HOWARD N. DASHIELL
Director of Transportation

10/15/21
Date

cc: DOT Project No. F-1706.103PR

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 170060, 2017 STORM DAMAGE REPAIRS ON COMPTCHE UKIAH ROAD, COUNTY ROAD 223, MILEPOST 17.25 (COMPTCHE AREA)

WHEREAS, by Resolution Number (No.) 17-064 adopted May 16, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 170060; and

WHEREAS, on April 22, 2021, DOT awarded DOT Contract No. 170060 to Wylatti Resource Management, Inc., of Covelo, California (CONTRACTOR), for the 2017 Storm Damage Repairs on Comptche Ukiah Road, County Road 223, Milepost 17.25; and

WHEREAS, final inspection and submission of contract records for the construction activity on the project was made pursuant to the Recommendation for Acceptance and filing of Notice of Completion accompanying this resolution; and

WHEREAS, Section 9204 of the California Civil Code provides that a public entity may record a notice of completion on or within 15 days after the date of completion of a work of improvement and Section 9200 provides that completion of a work of improvement occurs at the earlier of the acceptance of the work of improvement by the public entity or the cessation of labor on the work of improvement for a continuous period of 60 days; and

WHEREAS, Section 9356 of the California Civil Code provides that a stop payment notice is not effective unless given before the expiration of 30 days after the recordation of a Notice of Completion; and

WHEREAS, Section 9558 of the California Civil Code provides that a claimant may commence an action to enforce the liability on a payment bond no later than six months after the period in which a stop payment notice may be given under Section 9356 of the Civil Code.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Accepts the completed work, approves the form of Notice of Completion, and authorizes the Director of Transportation to execute the Notice of Completion for DOT Contract No. 170060 and file it with the County Recorder; and
2. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, Wylatti Resource Management, Inc., P.O. Box 575, Covelo, CA 95428, pursuant to the provisions of DOT Contract No. 170060 executed May 11, 2021; and
3. Authorizes and directs the Director of Transportation to release, thirty days from the date of recordation of Notice of Completion, upon confirmation with the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against same, the Performance Bond (No. 54-229782) in the amount of \$60,326.86 issued by the United Fire & Casualty Company, Cedar Rapids, IA, 52401; and

4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Payment Bond (No. 54-229782) in the amount of \$60,326.86 issued by the United Fire & Casualty Company, Cedar Rapids, IA, 52401.

The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

When recorded please mail
copy of this instrument to:

**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE, UKIAH, CA 95482**

No Fee Pursuant to Government Code 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE
NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned owner, being the COUNTY OF MENDOCINO, STATE OF CALIFORNIA, acting by and through its BOARD OF SUPERVISORS, caused certain construction and/or improvement work to be performed within the County of Mendocino, which work is generally described as being

**DOT CONTRACT NO. 170060
2017 STORM DAMAGE REPAIRS ON
COMPTCHE UKIAH ROAD, CR 223, M.P. 17.25
DOT PROJECT NO. F-1706.103PR**

2. The contract for the performance of said construction was awarded to:

WYLATTI RESOURCE MANAGEMENT, INC.
P.O. BOX 575
COVELO, CA 95428
3. On the 27th day of May 2021, said construction was completed in substantial compliance with the approved plans, specifications, and authorized changes thereto.
4. Said Contractor, WYLATTI RESOURCE MANAGEMENT, INC., was the Contractor for said construction and United Fire & Casualty Company was surety for the Contractor's Bonds.
5. I certify under penalty of perjury under the laws for the State of California that the foregoing is true and correct.

THIS NOTICE is given on this 9th day of NOVEMBER 2021.

COUNTY OF MENDOCINO, UNDERSIGNED OWNER

BY: _____

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION



Mendocino County Board of Supervisors Agenda Summary

Item #: 4s)

To: Board of Supervisors

From: Transportation

Meeting Date: November 9, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170063, 2017 Storm Damage Repairs on Orr Springs Road, County Road 223, Milepost 36.84 (Ukiah Area)

Recommended Action/Motion:

Adopt Resolution approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170063, 2017 Storm Damage Repairs on Orr Springs Road, County Road 223, milepost 36.84 (Ukiah Area); and authorize Chair to sign same.

Previous Board/Board Committee Actions:

By Resolution Number (No.) 17-110 (August 1, 2017), the Board of Supervisors authorized Department of Transportation (DOT) to advertise for bids and award DOT Contract No. 170063 for construction of the 2017 Storm Damage Repairs on Orr Springs Road.

Summary of Request:

Construction has been completed. DOT would like to file the Notice of Completion to commence the applicable lien periods, and pending no claims, release Contract Sureties after expiration of lien periods. Contract surety must be released as prescribed by existing laws.

Alternative Action/Motion:

Postpone approval of the Notice of Completion and release of Contract Sureties for DOT Contract No. 170063.

How Does This Item Support the General Plan? This Item supports the roadway element of transportation systems in the General Plan by keeping vital infrastructure to the roadway functioning in order to support motorized vehicle travel.

Supervisory District: District 5

vote requirement: Majority

Supplemental Information Available Online At: N/A

Item #: 4s)

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges
Solid Waste & Landfills
Water Agency

**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

November 9, 2021

TO: Howard N. Dashiell, Director of Transportation

FROM: Chris Gialdini, Resident Engineer

RE: NOTICE OF COMPLETION OF THE 2017 STORM DAMAGE REPAIRS ON
ORR SPRINGS ROAD, CONTRACT NUMBER 170063

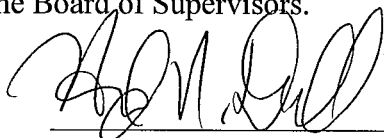
I have made the final inspection of the above-referenced Department of Transportation Contract Number 170063, and now report that all work has been completed in substantial compliance with approved plans, specifications, special provisions and authorized change orders of the contract.

The project construction was completed on the date indicated below and I recommend its acceptance by the Board of Supervisors.


CHRIS GIALDINI
Resident Engineer

11/9/21
Date

As Director of Transportation for the County of Mendocino, I hereby recommend acceptance of the above-referenced project by the Board of Supervisors.


HOWARD N. DASHIELL
Director of Transportation

10/15/21
Date

cc: DOT Project No. F-1706.206PR

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 170063, 2017 STORM DAMAGE REPAIRS ON ORR SPRINGS ROAD, COUNTY ROAD 223, MILEPOST 36.84 (UKIAH AREA)

WHEREAS, by Resolution Number (No.) 17-110 adopted August 1, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 170063; and

WHEREAS, on April 22, 2021, DOT awarded DOT Contract No. 170063 to Coleman Environmental Engineering, Inc., of Upper Lake, California (CONTRACTOR), for the 2017 Storm Damage Repairs on Orr Springs Road, County Road 223, Milepost 36.84; and

WHEREAS, final inspection and submission of contract records for the construction activity on the project was made pursuant to the Recommendation for Acceptance and filing of Notice of Completion accompanying this resolution; and

WHEREAS, Section 9204 of the California Civil Code provides that a public entity may record a notice of completion on or within 15 days after the date of completion of a work of improvement and Section 9200 provides that completion of a work of improvement occurs at the earlier of the acceptance of the work of improvement by the public entity or the cessation of labor on the work of improvement for a continuous period of 60 days; and

WHEREAS, Section 9356 of the California Civil Code provides that a stop payment notice is not effective unless given before the expiration of 30 days after the recordation of a Notice of Completion; and

WHEREAS, Section 9558 of the California Civil Code provides that a claimant may commence an action to enforce the liability on a payment bond no later than six months after the period in which a stop payment notice may be given under Section 9356 of the Civil Code.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Accepts the completed work, approves the form of Notice of Completion, and authorizes the Director of Transportation to execute the Notice of Completion for DOT Contract No. 170063 and file it with the County Recorder; and
2. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, Coleman Environmental Engineering, Inc., 85 East Highway 20, Upper Lake, CA 95485, pursuant to the provisions of DOT Contract No. 170063 executed May 19, 2021; and
3. Authorizes and directs the Director of Transportation to release, thirty days from the date of recordation of Notice of Completion, upon confirmation with the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against same, the Performance Bond No. 107369723, in the amount of \$94,589.20 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183; and

4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Payment Bond No. 107369723 in the amount of \$94,589.20 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

When recorded please mail
copy of this instrument to:

**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE, UKIAH, CA 95482**

No Fee Pursuant to Government Code 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE
NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned owner, being the COUNTY OF MENDOCINO, STATE OF CALIFORNIA, acting by and through its BOARD OF SUPERVISORS, caused certain construction and/or improvement work to be performed within the County of Mendocino, which work is generally described as being

**DOT CONTRACT NO. 170063
2017 STORM DAMAGE REPAIRS ON
ORR SPRINGS ROAD, CR 223, M.P. 36.84
DOT PROJECT NO. F-1706.206PR**

2. The contract for the performance of said construction was awarded to:

COLEMAN ENVIRONMENTAL ENGINEERING, INC.
85 EAST HIGHWAY 20
UPPER LAKE, CA 95485
3. On the 10th day of June 2021, said construction was completed in substantial compliance with the approved plans, specifications, and authorized changes thereto.
4. Said Contractor, COLEMAN ENVIRONMENTAL ENGINEERING, INC., was the Contractor for said construction and Travelers Casualty and Surety Company of America was surety for the Contractor's Bonds.
5. I certify under penalty of perjury under the laws for the State of California that the foregoing is true and correct.

THIS NOTICE is given on this 9th day of NOVEMBER 2021.

COUNTY OF MENDOCINO, UNDERSIGNED OWNER

BY: _____

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION



Mendocino County Board of Supervisors Agenda Summary

Item #: 4t)

To: Board of Supervisors

From: Solid Waste

Meeting Date: November 9, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Authorization to Fund Work Under Department of Transportation Agreement Number 190035 / Board of Supervisors Agreement Number 19-270, an Agreement with HDR Engineering, Inc., for General Solid Waste Consulting Services, using Caspar Transfer Station Rent Funds in an Amount Not-to-Exceed \$26,915, to Perform a Preliminary Financial and Environmental Analysis for Two Potential Central Coast Transfer Stations Sites (Fort Bragg Area)

Recommended Action/Motion:

Authorize to fund work under Department of Transportation Agreement Number 190035 / Board of Supervisors Agreement Number 19-270, an Agreement with HDR Engineering, Inc., for General Solid Waste Consulting Services, using Caspar Transfer Station rent funds in an amount not-to-exceed \$26,915, to perform a preliminary financial and environmental analysis for two potential Central Coast Transfer Stations sites (Fort Bragg Area)

Previous Board/Board Committee Actions:

On January 11, 2011, the Board approved Board of Supervisors (BOS) Agreement Number (No.) 11-007, Joint Powers Agreement between the County of Mendocino and City of Fort Bragg for Caspar Landfill and Solid Waste Transfer Station (JPA), which was later amended on September 19, 2016 (BOS Agreement No. 16-082). Also on January 11, 2011, the Board approved BOS Agreement No. 11-008, Caspar Transfer Station Operations and Lease Agreement between the County of Mendocino and Solid Wastes of Willits, Inc. By Resolution No. 19-420 (December 17, 2019), the Board approved Department of Transportation (DOT) Agreement No. 190035 / BOS Agreement No. 19-270, with HDR Engineering, Inc., in the amount of \$360,000, for General Solid Waste Consulting Services.

Summary of Request:

The consent of the Board of Supervisors is required in order to fund work to perform a preliminary financial and environmental analysis for two potential Central Coast Transfer Stations sites. Paragraph 6 of the JPA provides for the development of a new central coast transfer station as follows:

Replacement or expansion of the Caspar Transfer Station is necessary to accommodate commercial solid waste collection trucks and allow long-haul direct transfer to a destination landfill. County and City shall cooperate in a siting and development project to provide such an expanded facility, either at the Caspar property or another site, and shall amend this Agreement as necessary to implement the expansion.

Item #: 4t)

Pursuant to Section 16.B. of the Caspar Transfer Station Operations and Lease Agreement between the County of Mendocino and Solid Wastes of Willits (SWOW), SWOW pays rent to the County in the amount of \$3 per cubic yard of solid waste accepted at the transfer station. In accordance with the JPA, the proceeds from rent are held in a dedicated account to be used for site improvements at Caspar Transfer Station or development of a new transfer station facility in the greater Fort Bragg area. The money is managed on behalf of the City and County by the Mendocino Solid Waste Management Authority (MSWMA) and disbursements from this account can be made with mutual consent of the City and County. Currently, there is approximately \$250,000 available in the account.

The previous effort to secure a site for the Central Coast Transfer Station stalled after the environmental work was completed in 2016 for the Highway 20 site in Jackson State Forest, when the California Department of Parks & Recreation declined to participate in the necessary land transfer.

On October 6, 2021, the Joint City/County Committee voted to approve a recommendation to the Fort Bragg City Council and Mendocino County Board of Supervisors to fund the preliminary financial and environmental analysis for two potential alternative Central Coast Transfer Stations sites using Caspar rent funds. The two potential sites are the existing facility located at 219 Pudding Creek Road, currently owned by Waste Management, and an alternative identified site located at 30161 Highway 20, currently owned by Jackson State Forest. This analysis will allow the City and County to determine if either site is a viable option.

This work could be performed under the scope of the County's existing Agreement with HDR Engineering, Inc., and reimbursed using funds from the Caspar Transfer Station rent account. If approved, a mid-year budget adjustment will be processed to reflect the increased expense and corresponding revenue.

Alternative Action/Motion:

Do not authorize work to be performed and provide direction to staff.

How Does This Item Support the General Plan? This work will help to facilitate efficient and environmentally responsible waste processing and diversion for coastal Mendocino County.

Supervisory District: Districts 4 & 5

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: Caspar Transfer Station Rent Account

current f/y cost: \$26,915

annual recurring cost: N/A

budget clarification: The cost of the consulting services will be paid for from the revenues generated by the per cubic yard rent at the Caspar Transfer Station designated to fund the replacement or expansion of the Casp facility. Currently, there is approximately \$250,000 available.

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

Item #: 4t)

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

September 8, 2021

Amber Fisette
Deputy Director of Transportation
Mendocino County Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 95482
fisettea@mendocinocounty.com

RE: Task Order: Preliminary Financial & Environmental Analysis for Potential Central Coast Solid Waste Transfer Stations at Pudding Creek Site and Highway 20 Site

Dear Ms. Fisette,

HDR is pleased to present this proposal to assist the County in their solid waste needs. We have prepared this proposal based on our experience working with the County, and on projects of a similar nature.

Background

This task order provides support services to Mendocino County (County) for the high-level planning analysis for two potential sites for a Central Coast Transfer Station (CCTS). The County has been evaluating potential sites for close to 20 years under the assumption that the existing transfer station at Casper will be fully closed and that curbside collection as well as self-haul is moved to a new site. The new site will provide a full range of transfer station services including: the consolidation, and transportation of garbage, recycling, and diversion materials (including organic materials). The transfer station would serve commercial and non-commercial self-haul customers. As described in the May 2020 Central Coast Transfer Station Project Review and Recommendations Report as prepared by Diversion Strategies, the facility would be located on an approximately 5-acre footprint, with the potential to expand to 10 acres in the future. The 30,000 square foot CCTS was sized to accept up to 100 tons per day, a peak tonnage of up to 200 tons per day due to surges or emergencies and have three days of storage capacity in the event the roads were closed. The transfer station would be fully enclosed with a negative air pressure ventilation system to a biofilter and use of roll-up doors and/or driveway curtains.

Initial estimates for the construction of the conceptual transfer station design were between \$4M and \$5M in 2016, including costs for permitting, environmental review, design and engineering, construction, and equipment. This estimate did not include costs for land acquisition.

The County has currently narrowed potential sites down to two: 1) Pudding Creek, owned and operated by Waste Management located at 219 Pudding Creek Road in the City of Fort Bragg, and 2) Highway 20, located at Mendocino County Assessor's Parcel Number 019-150-05 which is north of State Highway 20, located in a portion of the Jackson Demonstration State Forest. This task order is developed to provide the County with a planning level cost/benefit analysis of the site options for the County to determine which site to move forward with the planning, design, and development of a new Central Coast Transfer Station.

Scope of Services

Task 1: Planning Level Cost Benefit Analysis

OBJECTIVE

The purpose of this task is to perform a planning level cost benefit analysis of capital and operational costs for the purpose of examining the relative merits of the potential sites noted above. A quantitative, financial analysis will be performed to illustrate the economic efficiencies of each site.

HDR SERVICES

- Examine two capital funding scenarios – each site fully grant funded and each site fully self-funded
- Develop collection and transportation impacts (assuming transport of solid waste to Potrero Hills Landfill)
- Develop conceptual level projections of the operating cost using estimates of staffing, equipment, and utilities from our experience on other similar projects
- Reflect a 20-year capital amortization period to provide an overall annual cost of the facility
- Translate the capital and operational costs to a range of tip fees for various operating scenarios

CLIENT RESPONSIBILITIES

- Provide cost to lease or purchase site properties
- Clarify facility sizing information, on-site activities (e.g., truck yard, maintenance yard) and waste types (e.g., Include recycling buy back or not)
- Provide County or City cost for utilities
- Provide County or City wages by job classification
- Clarify if the facility will be publicly or privately owned
- Work with HDR to clarify other capital and operational assumptions

ASSUMPTIONS

- No estimated permitting or construction timeline will be provided
- Costs are assumed to planning level, equivalent to Class 5 AACE (American Association of Cost Engineers) Cost Estimate Classification System
- HDR will make reasonable assumptions on the hauling distances for transportation

DELIVERABLES

- Draft Preliminary Financial Analysis Spreadsheet with Technical Memo
- One round of comments from City/County
- Final Preliminary Financial Analysis Spreadsheet with Technical Memo

Task 2: Environmental Analysis

OBJECTIVE

A Greenhouse Gas (GHG) emissions impacts analysis will be performed for each site. HDR Services

- Perform GHG analysis for hauling and waste management scenarios

CLIENT RESPONSIBILITIES

- Provide collection vehicle and transfer truck model year and fuel type
- Clarify assumptions for collection and hauling distances

ASSUMPTIONS

- EPA truck emission factors and/or WARM (Waste Reduction Model) emission factors will be used

DELIVERABLES

- Draft GHG hauling and waste management spreadsheet with Technical Memo
- Final GHG hauling and waste management spreadsheet with Technical Memo

Schedule

Estimated durations for the key task milestones are as follows:

- Notice to Proceed (NTP) – Estimated September 10, 2021
- Draft Financial Analysis Spreadsheet with Technical Memo – October 15th, 2021
- Draft GHG Spreadsheet with Technical Memo – October 15th, 2021
- County review period – October 15th through 29th, 2021
- Final Deliverables – November 12th, 2021

Estimated Fee

Compensation for proposed services will be billed on a Time and Materials basis using the County of Mendocino 2020 Quadrennial General Solid Waste Consulting Services Agreement rate ranges list. The estimated fee for these services is not to exceed \$26,915, unless mutually agreed upon by HDR and the County.

Table 1. Team Rate Table

| Staff Title | Rate |
|---|---------------|
| Principal in Charge / Technical Advisor | \$340 - \$374 |
| Project Manager | \$200 - \$245 |
| Project Engineer | \$125 - \$175 |
| Environmental Specialist | \$95 - \$125 |
| Project Coordinator / Accountant | \$120 - \$145 |