

Resolution Number PC 2019-0020

County of Mendocino
Ukiah, California

July 18, 2019

OA_2018-0009/GP_2018-0003

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, 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, County Staff has, pursuant to the direction of the Board of Supervisors of Mendocino County, prepared a Local Coastal Program amendment (the "Project"), consisting 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, 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 July 18, 2019, 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 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.

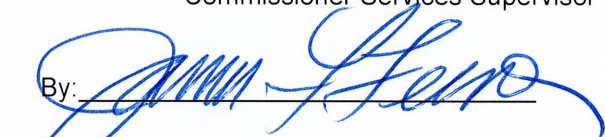
BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino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

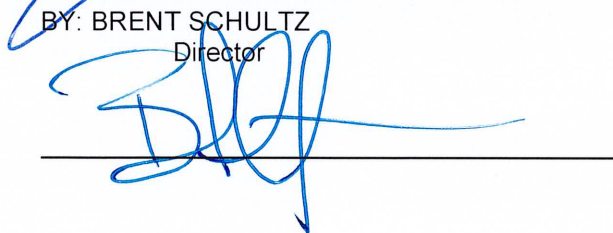
BE IT FURTHER RESOLVED that the Planning Commission finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21087.17.

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record, hereby recommends that the Board of Supervisors authorize submittal of a Local Coastal Program amendment application to the California Coastal Commission for certification and approve the Project 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, in the forms attached to this resolution as Exhibits A and B, incorporating the changes made by the Planning Commission at its meeting on July 18, 2019.

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

ATTEST: JAMES FEENAN
Commissioner Services Supervisor

By: 

BY: BRENT SCHULTZ
Director


MARILYN OGLE, Chair
Mendocino County Planning Commission



EXHIBIT A

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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ORDINANCE NO. _____

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).
- (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 as defined in Section 20.308.020(G).
- (HI) Accessory Structure. See Accessory Building.
- (I) "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

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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

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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 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.

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- (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.
- (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.
- (~~B~~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.
- (~~C~~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.
- (~~D~~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.
- (~~E~~F) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (~~F~~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.
- (~~G~~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

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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 fresh water 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 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

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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.

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 ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for 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.**

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- (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 7.

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 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 ~~second residential~~ 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:

~~Sec. 20.458.010 - Prohibition.~~

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~~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 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.

Section 10. 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;~~

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- ~~(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 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. A new Section 20.458.020 is added to the Mendocino County Code 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.

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- (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 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.

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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 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.

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- (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.

- (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

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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.
- (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.

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- (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. 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.**~~

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- ~~(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 - 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.
 - (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.

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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;
 - (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.

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- (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.
- (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. 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

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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 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 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 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

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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.
- (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.

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

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- (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.

(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 20.536.020(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 20.536.010.

Section 26. Section 20. 536.020 of the Mendocino County Code is hereby amended to read as follows:

EXHIBIT B

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 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.