

County of Mendocino  
Ukiah, California

~~JULY 25~~AUGUST 15, 2024

OA\_2023-0001

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, PROVIDING A REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING THE PROPOSED ADOPTION OF AMENDMENTS TO DIVISION I OF TITLE 20 OF THE INLAND ZONING CODE AND THE ADDENDUM TO THE GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND THE UKIAH VALLEY AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT RELATED THERETO

WHEREAS, on August 17, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-182, certifying the Final Environmental Impact Report for the Mendocino County General Plan (State Clearinghouse No. 2008062074) (the "General Plan EIR"), which analyzed the environmental impacts of the adoption of the County's General Plan, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, on August 2, 2011, the Mendocino County Board of Supervisors adopted Resolution No. 11-112, certifying the Final Environmental Impact Report on the Ukiah Valley Area Plan (the "UVAP EIR"), which analyzed the environmental impacts of the adoption of the Ukiah Valley Area Plan (the "UVAP") and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, the County may adopt ordinances that regulate the use of land pursuant to Government Code Section 65850; and

WHEREAS, in 2023, the Mendocino County Department of Planning and Building Services (the "Department") initiated a process to revise and update the Inland Zoning Code of the County, found in Division I of Title 20 of the Mendocino County Code, which was originally adopted in 1987; and

WHEREAS, the Department is proposing a comprehensive update of the Inland Zoning Code, with changes including the repeal of certain unused zoning districts, amendment of chapters to reorganize and make the Inland Zoning Code more user-friendly, making provisions consistent with State law surrounding day care facilities, assisted living residential care facilities, employee housing, low barrier navigation centers, supporting housing and transitional housing, adding new chapters including provisions related to movable tiny homes, eliminate the existing inclusionary housing ordinance; and

WHEREAS, the Chapters of the Inland Zoning Code proposed for amendment are attached to this resolution as Exhibit A and incorporated herein by this reference (the "Inland Zoning Code Update"), which show the changes to the various chapters in redline and strike-through, or indicate that chapters are new or being repealed; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") and the CEQA Guidelines (Title 14, California

Code of Regulations Section 15000 *et seq.*), the Department undertook a review of the Inland Zoning Code Update; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously certified EIR may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report have occurred; and

WHEREAS, an Addendum to the General Plan EIR and the UVAP EIR, attached to this resolution as Exhibit B and incorporated herein by this reference (the "Addendum"), has been prepared to evaluate whether the proposed Inland Zoning Code Update would have a significant effect on the environment beyond that which was evaluated in the General Plan EIR and the UVAP EIR; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 25, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Inland Zoning Code Update and the Addendum and all interested persons were given an opportunity to hear and be heard regarding the Inland Zoning Code Update and the Addendum, and continued said hearing to August 1, 2024; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a the continued public hearing on August 1, 2024, at which time the Planning Commission continued said hearing to August 15, 2024; and

WHEREAS, the Planning Commission considered all of the information presented to it including ~~the~~ Staff Memorandum and public testimony presented in writing and at the public hearings; and

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

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings related to the Inland Zoning Code Update, makes the following findings and recommendations:

1. The above recitals are true and correct, and incorporated herein by this reference.
- ~~2. The proposed changes of the Inland Zoning Code Update are consistent with the General Plan and the UVAP. The County's zoning ordinance must be consistent with the General Plan pursuant to Government Code Section 65860, which in the case of Mendocino County requires conformance with the Ukiah Valley Area Plan for the Ukiah area and the General Plan for the remainder of the Inland portion of the County. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the County has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in the plan. None of the zoning district chapters being repealed affect the conformity with either the General Plan or UVAP, and the addition of the Mixed Use North State and Mixed Use Brush Street zoning district chapters creates additional conformance with the UVAP. The repeal of Chapter 20.238 and its inclusionary housing provisions is consistent with the Housing Element of the General Plan as removing an impediment to the development of~~

~~housing within the County.~~ As part of its consideration of the Inland Zoning Code Update, the Commission received significant public comment regarding a proposed change to multiple chapters of the Zoning Code adding a new commercial use type of Transient Habitation – Low Intensity Camping (“Low Intensity Camping”). Low Intensity Camping is proposed to be defined as “camping for transient guests involving recreational vehicles or tents which is incidental to the primary residential or agricultural use of the site.” Low Intensity Camping is proposed to be allowed on parcels in Residential, Agricultural, Commercial, Open Space, Public Facilities, Rangeland, Forestland and Timber Production Districts, subject to location limitations and operational requirements stated in a new Section 20.176.020.

Following significant discussion regarding Low Intensity Camping among the Commission, the Commission hereby recommends that the Board of Supervisors *not* adopt any changes to the Zoning Code providing for Low Intensity Camping as part of the Inland Zoning Code Update. Exhibit A attached hereto does not include any provisions allowing for Low Intensity Camping as had been drafted by the Department.

The Commission's reasons for recommending against adopting Low Intensity Camping provisions at this time are as follows:

- a. Additional time is needed to hear comments from emergency service providers, especially fire districts.
- b. Concern that separate regulations may be necessary for the western portion of the County that, while governed by the Inland Zoning Code, is generally seen as being part of the Mendocino coast, which generally has greater demand for transient habitation.
- c. There was disagreement over what parcel sizes and zoning districts are an appropriate fit for Low Intensity Camping and what kind of property setbacks would minimize disruption of neighbors. Additional time is necessary to develop solutions and hear public comment.
- d. Camp sites create numerous impacts that affect adjacent parcels that are not fully addressed by the proposed ordinance provisions. These impacts include noise and light and glare that affect neighbors, and the potential for degradation of private roads by increased traffic related to Low Intensity Camping. Additional operational requirements to mitigate these impacts and concerns are necessary, but additional time is necessary to develop solutions and hear public comment.
- e. Camp sites require adequate water supply, sewage disposal and solid waste disposal for the health and safety of those camping. Additional operational requirements to speak to these issues were desired, but additional time is necessary to develop solutions and hear public comment.

Given the number of outstanding concerns, the Commission recommends that Board of Supervisors adopt the Inland Zoning Code Update without provisions related to Low Intensity Camping, as shown in the attached Exhibit A. The proposed section 20.176.020 has been deleted, and references to Low Intensity Camping have been removed from all district and use type chapters. The Commission further recommends that the Board of Supervisors direct the Department to bring forward ordinance changes related to Low Intensity Camping as part of a new, separate Zoning Code amendment process.

3. In considering the Inland Zoning Code Update, the Commission reviewed multiple memoranda from Department staff providing reasons for the proposed changes to the Inland Zoning Code, which the Commission generally agreed with. However, as part of its consideration of the Inland Zoning Code Update, the Commission made recommended changes to the following chapters, in addition to those changes initially proposed by the Department. Exhibit A to this Resolution includes the Commission's recommended changes, which are summarized in the following list and which list includes a summary of the reasons for the changes made by Commission (which are further discussed in the staff memoranda accompanying this Resolution):
- a. Chapter 20.008 – Definitions: to (1) add a definition of Battery Energy Storage Systems to account for batteries used in storing and distributing energy, (2) update the definitions of Accessory Dwelling Unit, Efficiency Kitchen and Junior Accessory Dwelling Unit and add definitions of Nonconforming Zoning Condition and Passageway to better match current State law, (3) add clarifying definitions for Dead Storage, Proposed Dwelling, Tandem Parking, Transient Habitation and Water Extraction for Bulk Sale to clarify these phrases as used in the Inland Zoning Code, and (4) eliminate references to minor use permits, which have otherwise been proposed to be changed to use permits or administrative permits.
  - b. Chapter 20.020 – Civic Use Types: to (1) include Battery Energy Storage Systems as a major impact service and utility use, as this use has already been considered such a use as part of reviewing power generating facilities, and (2) reverse the deletion of Day Care Facility from the Day Care Facility/Small Schools use type, as this deletion would inadvertently have the effect of meaning no Day Care Facility could be established if not in a residence – this change also has the effect of making corresponding changes to the lists of allowed use types in the following chapters: Chapter 20.044 – “S-R” Suburban Residential Districts, Chapter 20.048 – “R-R” Rural Residential District, Chapter 20.052 – “A-G” Agricultural District, Chapter 20.056 – U-R Upland Residential District, Chapter 20.060 – R-L Rangeland District; Chapter 20.064 – F-L Forestland District, Chapter 20.072 – R-1 Single-Family Residential District, Chapter 20.076 – R-2 Two-Family Residential District, Chapter 20.080 – R-3 Multiple-Family Residential District, Chapter 20.084 – R-C Rural Community District, Chapter 20.085 – MU-2 General Mixed Use District, Chapter 20.086 – MUNS Mixed Use North State District, Chapter 20.087 – Mixed Use Brush Street Triangle District, Chapter 20.088 – C-1 Limited Commercial District, Chapter 20.092 – C-2 General Commercial District, Chapter 20.108 – P-F Public Facilities District.
  - c. Chapter 20.040 – Establishment of Districts: to eliminate a provision regarding the Planning Commission's ability to make a determination on zoning district boundaries, in favor of such determination being made first by the Director of the Department, which may be appealed to the Planning Commission.
  - d. Chapter 20.086 – MUNS Mixed Use North State District: to (1) make grammatical clarifying changes to the intent section of the Chapter, to make the paragraph more readable, and (2) the revision related to Day Care Facility/Small Schools stated above.
  - e. Chapter 20.088 – C-1 District: to (1) include Animal Raising – personal as a use type allowed in the C-1 District, as other agricultural uses of similar or greater intensity are already allowed and to allow the opportunity for Animal Raising – personal to residences located on C-1 parcels, (2) making automotive and equipment – gasoline sales a use subject to a Use Permit instead of an Administrative Permit, so that such facilities would always be subject to review by

the Planning Commission as opposed to the Zoning Administrator, and (3) the revision related to Day Care Facility/Small Schools stated above.

- f. Chapter 20.092 – C-2 District: to (1) include Animal Raising – personal as a use type allowed in the C-2 District, as other agricultural uses of similar or greater intensity are already allowed and to allow the opportunity for Animal Raising – personal to residences located on C-2 parcels, (2) making automotive and equipment – gasoline sales a use subject to a Use Permit instead of an Administrative Permit, so that such facilities would always be subject to review by the Planning Commission as opposed to the Zoning Administrator, and (3) the revision related to Day Care Facility/Small Schools stated above.
- g. Chapter 20.096 – I-1 District: to (1) remove Assisted Living Residential Care Facility from the list of permitted uses, as no family residential use types are permitted in the I-1 District and so State regulations do not require this use type in the I-1 District, and (2) specify that Day Care Facilities are an allowed use only if associated with Employee Housing, in order to harmonize the County’s allowance for Employee Housing on I-1 zoned parcels with the Health and Safety Code section 1597.45 requirement that family day care homes be considered a residential use of property and a use by right.
- h. Chapter 20.100 – I-2 District: to (1) remove Assisted Living Residential Care Facility from the list of permitted uses, as no family residential use types are permitted in the I-2 District and so State regulations do not require this use type in the I-2 District, and (2) specify that Day Care Facilities are an allowed use only if associated with Employee Housing, in order to harmonize the County’s allowance for Employee Housing on I-2 zoned parcels with the Health and Safety Code section 1597.45 requirement that family day care homes be considered a residential use of property and a use by right.
- i. Chapter 20.136 – PD Combining District: to add a new provision that planned developments be designed in a manner to include low impact development techniques and enhanced pedestrian facilities, in order to improve the design of such developments.
- j. Chapter 20.152 – General Provisions and Exceptions Districts: to (1) modify required setbacks to property lines for detached garages, accessory structures, uncovered decks and porches, barns containing animals on parcels less than 40,000 square feet in size from 5 feet to 4 feet, to provide for additional consistency with setback requirements for accessory dwelling units; (2) eliminate a provision that barbed wire is prohibited unless an Administrative Permit is obtained, as compared to razor or concertina wire, as barbed wire is commonly used on agricultural parcels in the County; and (3) update the section regarding Height Exceptions to clarify that wind generators include windmills used for agricultural uses and to eliminate an exception provision related to public utility structures, as these exceptions should be granted through a variance.
- k. Chapter 20.164 – Accessory Uses: to update a reference to a Use Permit for room and board, as opposed to a Major Use Permit.
- l. Chapter 20.166 – Accessory Dwelling Units and Junior Accessory Dwelling Units: to incorporate additional revisions necessary for consistency with State law regarding Accessory Dwelling Units and Junior Accessory Dwelling Units.
- m. Chapter 20.168 – Temporary Use Regulations: to clarify that a gathering of over 1,000 persons shall be required to obtain a use permit, and not a minor use permit,

so that such permits would always be subject to review by the Planning Commission as opposed to the Zoning Administrator.

n. Chapter 20.170 – Movable Tiny Homes: to make modifications to the design standards for movable tiny homes to simply state that exterior wall materials shall be the same materials that would be allowed for under the California Building Code, to provide clarity as to what materials are allowed.

o. Chapter 20.180 – Off-Street Parking: to (1) add a reference to the California Government Code requiring a provision that no off-street parking be required for certain projects located within one-half mile of public transit; (2) lower the required percentage of parking areas that shall be permeable from 100% to 50%, as a more reasonable requirement; (3) require that all parking area lighting be downcast and shielded, consistent with the County’s Dark Sky Policies (General Plan Policy RM-137); (4) provide that one electric vehicle charging station parking space be allowed instead of two regular parking spaces in existing parking lots, in conformance with General Plan Policy DE-275; and (5) provide that the Director may reduce required parking spaces for a project to accommodate electric vehicle charging stations and associated equipment, which is required pursuant to Government Code section 65850.71, subdivision (d).

p. Chapter 20.190 – Administration: to correct a provision related to initial completeness review to refer to the date an application is filed, not deemed complete.

a-g. Chapter 20.204 – Nonconforming Uses and Structures: to (1) allow for additional time for the restoration of damaged structures, providing for a more reasonable timeline for the restoration; and (2) require that expansion of nonconforming uses and structures obtain a use permit as opposed to an administrative permit, so that such applications are reviewed by the Planning Commission as opposed to the Zoning Administrator.

4. The proposed changes of the Inland Zoning Code Update are consistent with the General Plan and the UVAP. The County’s zoning ordinance must be consistent with the General Plan pursuant to Government Code Section 65860, which in the case of Mendocino County requires conformance with the Ukiah Valley Area Plan for the Ukiah area and the General Plan for the remainder of the Inland portion of the County. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the County has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in the plan. The Staff Memoranda prepared for the Inland Zoning Code Update additionally describe how the changes proposed by the Inland Zoning Code Update are in conformance with the General Plan and UVAP or do not affect conformance with the General Plan or UVAP. None of the zoning district chapters being repealed affect the conformity with either the General Plan or UVAP, and the addition of the Mixed Use North State and Mixed Use Brush Street zoning district chapters creates additional conformance with the UVAP. The repeal of Chapter 20.238 and its inclusionary housing provisions is consistent with the Housing Element of the General Plan as removing an impediment to the development of housing within the County.

5. The Addendum has been updated to reflect the Commission’s recommended changes to the Inland Zoning Code Update summarized in the above paragraphs 2 and 3.

2-6. The Addendum reflects the County’s independent judgement as to the environmental consequences of development pursuant to the General Plan and UVAP

and the Inland Zoning Code Update. The Addendum was prepared and reviewed in compliance with CEQA and the CEQA Guidelines.

~~3-7.~~ Based on the evidence submitted and as demonstrated by the analysis of included in the General Plan EIR, UVAP EIR and the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental environmental impact report have occurred, specifically:

- a. The proposed changes of the Inland Zoning Code Update would not result in any substantial changes from what was previously analyzed in the General Plan EIR and UVAP EIR and would not involve new significant impacts or result in a substantial increase in the severity of previously identified significant impacts. The Inland Zoning Code Update, therefore, does not constitute a substantial change in the project.
- b. No substantial changes have occurred with respect to the circumstances under which the project was undertaken. While the General Plan was adopted in 2009 and the UVAP was adopted in 2011, there have been no significant changes in land uses or zoning in the County since that time. The project location and setting as described in the General Plan EIR and UVAP EIR are essentially unchanged. While legal development has occurred consistent with the General Plan and UVAP, the amount of development has not been of a level to be considered a substantial change. No substantial changes have occurred within the County since the certification of the General Plan EIR or the UVAP EIR. Development in the region has occurred at a slower pace than anticipated in both EIRs. Based on the environmental baseline identified in each EIR, the physical changes in the County that have occurred are consistent with the analyses of each EIR and the cumulative projects considered in each EIR. There have been no substantial changes in the circumstances of the County as considered in the EIRs.
- c. The consistency of the proposed amendments of the Inland Zoning Code Update with the analysis of the General Plan EIR and UVAP EIR is presented in the Addendum. As discussed in that document, the Inland Zoning Code Update will not result in any new significant effects not discussed in the General Plan EIR or UVAP EIR.
- d. Based on the analysis presented in the Addendum, no supplemental environmental review is required for the Inland Zoning Code Update in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.

~~4-8.~~ The Board of Supervisors adopt the Addendum to the General Plan EIR and UVAP EIR for the Inland Zoning Code Update, a copy of which is attached as Exhibit B.

~~5-9.~~ That the Board of Supervisors find that the adoption of an ordinance adopting the Inland Zoning Code Update is consistent with the General Plan.

~~6-10.~~ That the Board of Supervisors adopt an ordinance making the changes shown in the Inland Zoning Code Update, as shown in the attached Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other materials 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.

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

ATTEST:                   JIM FEENAN  
                                  Commission Services Supervisor

By: \_\_\_\_\_

BY: JULIA KROG  
      Director

CLIFFORD PAULIN, Chair  
Mendocino County Planning Commission

\_\_\_\_\_

\_\_\_\_\_