

To: BOARD OF SUPERVISORS

FROM: Planning and Building Services

MEETING DATE: September 10, 2024

DEPARTMENT CONTACT: Julia Krog
DEPARTMENT CONTACT:

PHONE: 707-234-6665
PHONE:

ITEM TYPE: Noticed Public Hearing

TIME ALLOCATED FOR ITEM: 2 Hours

AGENDA TITLE:

Noticed Public Hearing – Discussion and Possible Action Including (1) Review and Consider the Report and Recommendation of the Planning Commission on the Proposed Adoption of Amendments to Division I of Title 20 of Mendocino County Code (the “Inland Zoning Code Update”); (2) Adopt a Resolution Adopting an Addendum to the Environmental Impact Reports for the Mendocino County General Plan and the Ukiah Valley Area Plan for the Inland Zoning Code Update; and (3) Adopt an Ordinance Adopting the Inland Zoning Code Update, Making Amendments to Division I of Title 20 of the Mendocino County Code.

RECOMMENDED ACTION/MOTION:

(1) Adopt a Resolution Adopting an Addendum to the Environmental Impact Reports for the Mendocino County General Plan and the Ukiah Valley Area Plan for the Inland Zoning Code Update; and (2) Adopt an Ordinance Adopting the Inland Zoning Code Update, Making Amendments to Division I of Title 20 of the Mendocino County Code; and authorize Chair to sign same.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

In 1987, the Board of Supervisors adopted Ordinance No. 3639, which established the Mendocino County Zoning Code—Division I.

On January 27, 2020, the Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program also referred to by HCD as the Local Early Action Planning Grants Programs or LEAP. The Board of Supervisors by way of Resolution (No. 20-076) authorized the Disaster Recovery Finance Director to apply for a grant in the amount up to \$150,000 on behalf of Planning and Building Services to address the update of the Zoning Ordinance and UVAP implementation.

On June 8, 2022, the Board of Supervisors provided Direction to staff on the Inland Zoning Code Update regarding potential regulations for temporary camping for profit.

On October 4, 2022, the Board of Supervisors discussed potential allowance for “Moveable Tiny Homes” as Accessory Dwelling Units and directed Planning and Building Services to return with recommendations. Further direction regarding regulations for “Moveable Tiny Homes” was provided by the Board on November 8, 2022.

SUMMARY OF REQUEST:

Review and Consider the Report and Recommendation of the Planning Commission on the Proposed Adoption of Amendments to Division I of Title 20 of Mendocino County Code (the “Inland Zoning Code Update”); Adopt a Resolution Adopting an Addendum to the Environmental Impact Reports for the Mendocino County General Plan and the Ukiah Valley Area Plan for the Inland Zoning Code Update; and Adopt an Ordinance Adopting the Inland Zoning Code Update, Making Amendments to Division I of Title 20 of the Mendocino County Code.

Proposed amendments include the repeal of the following Chapters: 20.112 “A-H” Airport Height Combining Districts; 20.128 “AV” Airport Districts; 20.140 “SH” Special Hazards Combining District; 20.148 Supplemental Limitations on Uses; 20.206 Extension of Time for Qualifying Clean Slate/BLUR II

Applicants; 20.220 General Plan—Zoning Compatibility; 20.224 Interim Urgency Ordinance Prohibiting New or Expanded Industrial Uses on Pinoleville Rancheria; 20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area; and 20.238 Inclusionary Housing.

Proposed amendments include the addition of several new Chapters, as follows: 20.086 “MUNS” Mixed Use North State Street District; 20.087 “MUBST” Mixed Use Brush Street Triangle District; 20.166 Accessory Dwelling Units and Junior Accessory Dwelling Units; 20.170 Moveable Tiny Homes; 20.190 Administration; and 20.234 Affordable Housing and Density Bonuses.

Proposed amendments include amendments to allowable uses in all zoning districts to (1) eliminate Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit or Use Permit; and (2) achieve consistency with State Law surrounding Day Care Facilities, Assisted Living Residential Care Facilities, Employee Housing, Low Barrier Navigation Centers, Supportive Housing and Transitional Housing.

Proposed amendments include clean ups to numerous other Chapters within Division I of Title 20 to (1) implement the changes noted above; (2) reorganize portions to make the code more user friendly; and (3) to remove unnecessary or redundant sections. Many existing regulations would stay the same, with the changes to the code being the addition of graphics and tables to simplify the interpretation of the regulations.

The updated Zoning Ordinance also provides for two new zoning classifications: Mixed-Use North Street (MUNS), and Mixed-Use Brush Street Triangle (MUBST), which are required zoning classifications by the UVAP for the North State Street corridor and the Brush Street Triangle and respectively provide 6-29 dwelling units/acre for the MUNS district and 5-20 dwelling units/acre for the MUBST district.

Other changes to the Zoning Ordinance include: Variances will now be under the authority of the Planning Commission, as many variances in the past have been controversial and should require the review of a hearing body and not a hearing officer; establishment of regulations for Food Trucks; Clarified regulations for temporary uses, sign regulations, and off-street parking requirements; and the allowance for Second Residential Units (SRUs) in lieu of ADUs, which furthers the choices of types of residential units in the County, within the established density requirements set forth in the General Plan. Proposed amendments also include revisions to provisions related to administration of the zoning code, including general plan amendment, zoning amendment, administrative permit, use permit and variance procedures and processes.

The Planning Commission, at their August 15, 2024 meeting, adopted Planning Commission Resolution No. PC_2024-0009 making its report and recommendation to the Board of Supervisors regarding the proposed amendments Inland Zoning Code Update, including specific additional changes as specified in Exhibit A to the Resolution. Exhibit A to Resolution No. PC_2024-0009 includes numerous changes to the Inland Zoning Code Update as originally proposed by Department Staff. Notably, the Planning Commission recommended that the Board of Supervisors not adopt any changes to the Zoning Code providing for Transient Habitation - Low Intensity Camping as part of the Inland Zoning Code Update, and removed all references to Transient Habitation - Low Intensity Camping from the version of the Inland Zoning Code Update attached to the Planning Commission’s resolution.

Please see attached Memorandum and related attachments for additional information.

ALTERNATIVE ACTION/MOTION:

Provide direction to staff.

STRATEGIC PLAN PRIORITY DESIGNATION: An Effective County Government

SUPERVISORIAL DISTRICT: ALL

VOTE REQUIREMENT: Majority

[Type text]

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: <https://www.mendocinocounty.gov/departments/planning-building-services/public-noticing>

FISCAL DETAILS:

SOURCE OF FUNDING: \$150,000 Grant #20-LEAP-15354; \$46,500 PB (2851)

CURRENT F/Y COST: \$0 (\$33,781.25 FY23/24)

BUDGET CLARIFICATION: Grant & Designated Reserve – Grant Funds Fully Expended in FY 23/24

ANNUAL RECURRING COST: N/A

BUDGETED IN CURRENT F/Y: N/A

IF NO, PLEASE DESCRIBE:

REVENUE AGREEMENT: No

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Steve Dunicliff, Deputy CEO

CEO REVIEW: Choose an item.

CEO COMMENTS:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item

Number: