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Mendocino County Clerk-Recorder

# Notice of Determination

**To:**
☒ Office of Planning and Research
*U.S. Mail:* PO Box 3044, Sacramento, CA 95812-3044
*Street Address:* 1400 Tenth St., Rm 113, Sacramento, CA 95812

☒ County Clerk:
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

**From:**
Mendocino County Planning & Building
860 North Bush Street
Ukiah, CA 95482
Contact: JULIA KROG
Phone: 707-234-6650

Lead Agency (if different from above):
_____
Address: _____
_____
Contact: _____
Phone: _____

**Fee Exempt per Government Code section 27383**

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): 2008062074 and 200307238

Project Title: OA_2023-0001 Inland Zoning Code Update

Project Applicant: COUNTY OF MENDOCINO

Project Location (include county): Within the unincorporated areas of Mendocino County, not including the designated Coastal Zone areas of the County.

Project Description: A comprehensive update to Division I of Title 20 of the Mendocino County Code (the "Inland Zoning Code"). The purpose of the update (the "Inland Zoning Code Update") is to update the County's regulation of land use and development for consistency with State and Federal law, reflect current uses and practices, create a more user-friendly set of regulations and implement the County's General Plan and Ukiah Valley Area Plan.

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.

Amendments also 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.

Amendments also 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 a 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.

Amendments further 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 Division more user friendly, including additional guidance and graphics related to height, setbacks, signage and parking requirements; and (3) to remove unnecessary or redundant sections. Additionally, amendments 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.

A list of chapters amended, in addition to chapters revising zoning districts as stated above, is as follows:

Chapter 20.008 – Definitions
Chapter 20.016 – Residential Use Types
Chapter 20.020 – Civic Use Types
Chapter 20.024 – Commercial Use Types
Chapter 20.036 – Mining and Processing
Chapter 20.152 – General Provisions and Exceptions to Districts
Chapter 20.164 – Accessory Use Regulations
Chapter 20.168 – Temporary Use Regulations
Chapter 20.172 – Mobile Homes and Mobile Home Parks
Chapter 20.176 – Recreational Vehicle Parks and Campgrounds
Chapter 20.180 – Off-Street Parking
Chapter 20.184 – Sign Regulations
Chapter 20.192 – Administrative Permits
Chapter 20.196 – Use Permits
Chapter 20.200 – Variances
Chapter 20.204 – Nonconforming Uses and Structures
Chapter 20.208 – Appeals
Chapter 20.212 – Amendments, Alterations and Changes in Districts
Chapter 20.216 – Enforcement
Chapter 20.236 – Towers and Antennas

An Addendum to the previously adopted General Plan EIR and Ukiah Valley Area Plan EIR was adopted.

This is to advise that the County of Mendocino (Lead Agency) has approved the above described project on September 10, 2024 and has made the following determinations regarding the above described project.

1. The project [☒will ☐will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIRs with comments and responses and record of project approval, or the negative declaration is available to the General Public at: https://www.mendocinocounty.gov/departments/planning-building-services/long-range-plans and 860 N. Bush Street, Ukiah CA 95482.

Signature (Public Agency): Julia Krog Title: Director

Date: September 11, 2024 Date Received for filing at OPR:

July 2024 |

# ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORTS FOR:

## THE MENDOCINO COUNTY GENERAL PLAN (SCH No. 2008062074) AND THE UKIAH VALLEY AREA PLAN (SCH No. 2003072038)

# FOR AMENDMENTS TO MENDOCINO COUNTY ZONING ORDINANCE (TITLE 20, DIVISION I)

*Prepared BY:*

**Mendocino County**
Department of Planning and Building Services
860 North Bush Street
Ukiah, California 95482
707.234.6650

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# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

## 1.1 BACKGROUND

The General Plan is the foundational development policy document of the County. It defines the framework by which the physical, economic, and human resources of the County are managed and used over time. The General Plan acts to clarify and articulate the County's intentions concerning the rights and expectations of the public, property owners, and prospective investors and business interests. The General Plan informs these citizens of the goals, objectives, policies, and standards for the development of the County and all sectors' responsibilities in meeting these. One of the main implementation tools of the General Plan is the Zoning Ordinance. The Mendocino County Zoning Ordinance (Title 20, Division I) was last updated in 1987 with minor amendments occurring thereafter.

Changes to the Division I of Title 20 are desirable at this time for several reasons. The Mendocino County General Plan was adopted in August 2009, and the Ukiah Valley Area Plan (UVAP) was adopted in August 2011. Both plans require that updates to the Zoning Code occur to implement measures called out in the General Plan and UVAP. Changes in state law have occurred in recent years related to various housing issues also necessitate amendments to the Zoning Ordinance, and staff of the Department of Planning and Building Services have also identified clean up changes and changes to make the Zoning Ordinance more user-friendly. A summary of the amendments is provided below.

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 Rancher; 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; 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.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

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.

Revisions of the zoning code are being undertaken pursuant to Government Code Section 65800 *et seq.*, which provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities, as well as to implement the General Plan. Additionally, Government Code Section 65804 provides for the implementation of minimum procedural standards for the conduct of city and county zoning hearings. Further, Government Code Section 65850 also provides that the legislative body of any county or city may, adopt ordinances that do any of the following:

(a) Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation enjoyment of scenic beauty, use of natural resources, and other purposes.

(b) Regulate signs and billboards

(c) Regulate the following:

  (1) The location, height, bulk, number of stories, and size of buildings and structures.

  (2) The size and use of lots, yards, courts, and other open spaces.

  (3) The percentage of a lot which may be occupied by a building or structure.

  (4) The intensity of land use.

(d) Establish requirements for off-street parking and loading.

(e) Establish and maintain building setback lines.

(f) Create civic districts around civic centers, public parks, public buildings, or public grounds and establish regulations for those civic districts.

(g) Require as a condition of the development of residential rental units, that the development include a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for households specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code. The ordinance shall provide alternative means not limited to, in-lieu fees, land dedications, off-site construction, or acquisition and rehabilitation of existing units.

While the General Plan EIR and the UVAP EIR did not specifically address the current or proposed Mendocino County Inland Zoning Ordinance, the proposed project will not result in physical changes to the

environment but require the implementation of zoning regulations consistent with state law, including making changes mandated by state law related to housing. None of the regulations in the proposed project would change the existing land use pattern established by the General Plan and evaluated in the General Plan EIR. All future construction within the County must comply with the General Plan, UVAP, the zoning ordinance, state and federal permits, and local development standards. In addition, future discretionary actions (i.e., administrative permits, use permits, site plan review) require independent and project-specific environmental review.

This document serves as the environmental documentation for the County's proposed Mendocino County Zoning Ordinance (Title 20, Division I) update. The California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") and its implementing Guidelines (14 Cal. Code Regs. 15000 *et seq.*; "CEQA Guidelines") apply to the proposed code amendments. In the case of a modification to a project for which an EIR has been approved (as is the case with the proposed Zoning Ordinance update), CEQA and the CEQA Guidelines require the lead agency to determine whether a supplemental or subsequent EIR is required. This requirement is codified in Public Resources Code section 21166 and also stated in CEQA Guidelines Section 15162. Section 15162 provides guidance in this process by requiring an examination of whether, since the certification of the EIR and approval of the original project, changes in the project or conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, the County would be required to prepare a subsequent or supplemental environmental review document. If only minor technical changes or additions are necessary, or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, an addendum may be prepared. The addendum should include a brief explanation of the decision not to prepare a subsequent or supplemental environmental document, supported by substantial evidence, and the lead agency's required findings on the project.

This Addendum examines the proposed Amendments in accordance with Section 15162. This addendum to the Mendocino County General Plan EIR and the UVAP EIR demonstrates that the analysis contained in those EIRs adequately addresses the potential physical impacts associated with implementation of the proposed 2024 Mendocino County Inland Zoning Ordinance update. None of the conditions described in CEQA Guidelines Section 15162, calling for the preparation of a subsequent EIR or negative declaration, exist.

The General Plan EIR and UVAP EIR may be found at the following website: https://www.mendocinocounty.gov/departments/planning-building-services/long-range-plans.

## 1.2 SUMMARY OF SIGNIFICANT & UNAVOIDABLE IMPACTS IDENTIFIED IN GENERAL PLAN EIR

On August 17, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-182 certifying the Final Environmental Impact Report for the 2009 Mendocino County General Plan Update ("General Plan EIR"), making findings of fact related to the feasibility of mitigation measures and project alternatives, adopting a Statement of Overriding Considerations, and adopting a mitigation monitoring and reporting program. The resolution identifies the following significant, unavoidable, growth inducing, and/or cumulative significant impacts:

(a) Air Quality:

(1) Impact 4.3.2: Subsequent land use activities associated with implementation of the proposed General Plan may result in short-term emissions generated by construction and demolition activities that would affect local air quality and could result in health and nuisance-type impacts in the immediate vicinity of individual construction sites as well as

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contribute to particulate matter and regional ozone impacts. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 4.3.3: Negative air quality impacts associated with long-term emissions from projected growth over the planning horizon of the General Plan Update may result in violations of ambient air quality standards or create significant nuisance impacts (e.g., wood smoke). Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(3) Impact 4.3.4: Subsequent land use activities associated with implementation of the proposed General Plan Update may result in projects that would include sources of toxic air contaminants which may affect surrounding land uses/or place sensitive land uses near existing sources of toxic air contaminants. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(4) Impact 5.0.3: Subsequent land use development activities associated with implementation of the proposed General Plan along with existing, approved, proposed, and reasonably foreseeable cumulative development within the air basin would contribute to regional air quality impacts. The proposed General Plan Update' s contribution to these conditions is cumulatively considerable. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(5) Impact 5.0.4: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in the cumulative increase of greenhouse gases including CO2 emitted into the atmosphere. The proposed General Plan Update's contribution to this impact would be cumulatively considerable. Proposed General Plan policies and action items can effectively reduce greenhouse gas (GHG) emissions. Whether or not these requirements will reduce emissions effectively enough to mitigate the county's contribution to GHGs is unknown. The only entities which have jurisdiction over vehicle emissions in California are the state or federal government. Therefore, until such time that there are thresholds of significance to which the county's GHGs contribution can be compared, it must be assumed that any increase in GHGs will lead to a change in climate.

(6) Impact 5.0.5: The impacts of global climate change would cumulatively result in the potential decrease in water supply, increase in air pollutants, and increase in health hazards. The contribution of the proposed General Plan Update to this impact is considered cumulatively considerable. Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

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(b) Biological Resources:

(1) Impact 4.4.2: Subsequent land uses activities and growth under the proposed General Plan Update could have a substantial adverse effect on any wetlands, riparian, or other sensitive biotic community or native habitat within the county. Even with implementation of Mitigation Measures MM 4.4.2a and 4.4.2b, which are incorporated into the proposed General Plan Update as policies in the Resource Management Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 5.0.6: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development, would substantially contribute to cumulative impacts associated with significant effects to special-status plant and wildlife species, sensitive natural communities, and movement corridors. The impact to sensitive biotic communities would be cumulatively considerable. Even with implementation of Mitigation Measures MM 4.4.1 a, 4.4.1 b, 4.4.2a, 4.4.2b, and 4.4.3 which are incorporated into the proposed General Plan Update as policies in the Resource Management Element (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(c) Hydrology and Water Quality:

(1) Impact 4.8.4: Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for water from groundwater sources and could thus result in overdraft. Even with implementation of the proposed General Plan policies and action items relating to groundwater resources, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 5.0.13: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, would contribute to the drawdown of underlying aquifers and decreased recharge in the North Coastal Basin. This impact is considered cumulatively considerable. Even with implementation of the proposed General Plan policies and action items relating to groundwater resources, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(d) Noise:

(1) Impact 5.0.16: Subsequent land use activities associated with implementation of the proposed General Plan Update, along with existing, approved, proposed, and reasonably foreseeable development in the region, could result in increased traffic noise conflicts. This is considered a cumulatively considerable impact. Even with implementation of proposed General Plan policies addressing noise impacts, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(e) Public Services:

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(1) Impact 4.12.1.1: Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for fire protection and emergency medical services and facilities. Even with implementation of General Plan policies and action items as well as Section 8.80.020 and Chapter 9.05 of the Mendocino County Code, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 5.0.18: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would increase development and population and contribute to the cumulative demand for fire protection and emergency medical services. This is considered a cumulatively considerable impact. Even with implementation of the proposed General Plan policies and action items relating to fire protection and emergency medical services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(3) Impact 4.12.2.1: Subsequent land use activities associated with implementation of the proposed General Plan Update may result in increased demand for law enforcement services, potentially resulting in the need for additional law enforcement personnel and related facilities. This is considered a potentially significant impact. Even with implementation of proposed General Plan policies and action items relating to law enforcement services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(4) Impact 5.0.19: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would contribute to the cumulative demand for additional law enforcement services and facilities. Even with implementation of proposed General Plan policies and action items relating to law enforcement services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(f) Transportation and Circulation

(1) Impact 4.13.1: Subsequent land use activities in the county could result in additional traffic on area highways, which could exceed level of service standards. Implementation of the proposed General Plan Update would contribute to this impact. Even with implementation of proposed General Plan policies and action items relating to traffic, this impact would remain significant, and there are no other feasible mitigation measures or alternatives within the authority of the County that would reduce this impact to a less than significant level.

(2) Impact 5.0.22: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in cumulative traffic impacts on area highways. This is considered a cumulatively considerable impact. Even with implementation of proposed General Plan policies and action items relating to traffic, this impact would remain significant, and there are no other feasible mitigation measures or alternatives within the authority of the County that would reduce this impact to a less than significant level.

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(g) Utilities and Service Systems

(1) Impact 4.14.1.1: Subsequent land use activities associated with implementation of the proposed General Plan Update could require additional water supplies, storage capacity, and treatment and conveyance facilities to adequately serve subsequent development. Even with implementation of the service system related policies and action items of the proposed General Plan Update Resource Management Element and Development Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 5.0.23: Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the North Coastal Basin, may contribute to the cumulative demand for water supplies and associated facilities. This is considered a cumulatively considerable impact. Even with implementation of the service system related policies and action items of the proposed General Plan Update Resource Management Element and Development Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

The Statement of Overriding Considerations found that the benefits of the project outweigh the significant impacts due to the following considerations:

(a) Environmental.

(1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

(2) The Project reiterates and reinforces the County's commitments to protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

(3) The General Plan recognizes the wide range of County natural systems, open spaces and recreational opportunities by protecting and enhancing resources. Consistent with this approach, development opportunity is focused in community areas that will support more compact urban development patterns, where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air quality.

(4) The Project supports ecologically sustainable agricultural operations and protection and enhancement of important natural resources through encouraging research, vegetation management programs, best management practices, and technical assistance for agricultural operators while encouraging farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.

(5) The Project includes goals, objectives, and policies that provide additional protection of the County's important natural resources, such as water resources, biotic resources, freshwater and marine environments, scenic resources, timber and agricultural resources. The General Plan contains a comprehensive set of policies and actions (located in the Resource Management Element), which seek to address how Mendocino County manages water supply and quality issues. Key among these recommendations is the need to gather more information to supplement what is already known about water

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supplies so that future decisions will be based on the best knowledge available. The Project protects and enhances the county's natural ecosystems and valuable resources through prevention of loss of the county's biological resources and fragmentation of oak woodlands, forests, and wildlands and preservation of their economic and ecological values and benefits.

(6) The General Plan includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate change. Directing new growth into incorporated cities and established communities and increasing bike, pedestrian and transit systems will help lower transportation related GHG emissions. Improving building energy efficiency standards and promoting the use of renewable sources (wind, sun, thermal) will lower emissions as well as consumption of fossil fuels.

(7) The Project provides updated General Plan policies that protect water resources. The County will work with agencies in developing long-term water supplies to meet the growth needs planned in this General Plan. Updated General Plan policies recognize the importance of water conservation as part of a sustainable management plan.

(8) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on options for implementing waste reduction targets, encouraging "green building" design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

(b) Economic and Fiscal.

(1) The Project focuses on the long term relative to creation of permanent jobs for local residents, consistent with each community planning area's vision for development. Creation of new employment opportunities will be balanced with protection of the environment and natural resources, with the goal of developing new businesses that utilize sustainable systems. Agricultural and timber-based operations are to be protected. Expansion of the tourism industry and County recreational activities will be encouraged.

(2) The Project emphasizes long-term and sustainable economic and community needs over short-term gains by promoting sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.

(3) The Project facilitates a variety of land uses and employment opportunities in community areas, consistent with local community needs and environmental constraints and promotes diversified employment opportunities in the industrial sector and agricultural processing operations. In all instances, the General Plan promotes and encourages land uses that incorporate environmentally sound practices.

(4) The Project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on mixed-use development. Additionally, policies call for business retention, expansion and diversification, with an emphasis on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts and protecting natural resources.

(5) The Project recognizes the importance and value of agricultural production and the wine industry's annual economic contribution. According to the 2006 Mendocino County Crop Report the total value of agricultural production, excluding timber, was approximately

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$136.7 million. Agriculture has a significant role in the Mendocino County economy, which supports a growing tourism and hospitality industry, increases tax revenue and provides employment opportunities.

(c) Social.

(1) The Project includes policies, goals, and objectives which conform to the County's longstanding growth history, defining a rate of population growth that perpetuates County residents' quality of life.

(2) The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development. Planning efforts will emphasize local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

(3) The Project reflects the County's commitment to the health and well-being of all its residents, and the General Plan land use plans, policies and programs are designed to promote health through promoting an active, inclusive county, where healthy habits are encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable communities.

(4) The Project development pattern policies provide for new development in the county's community planning areas, where infrastructure and public services are available. In these areas, compact forms of development will be emphasized, using infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, minimizing urban sprawl and preserving the predominantly rural character of the county.

(5) The Project emphasizes local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

(6) The Project encourages coordination and partnering with the cities in Mendocino County is encouraged to develop appropriate land use patterns at the city/county interface, minimize environmental and economic impacts, and maximize environmental and economic benefits.

(7) The Project protects the wide range of historic, cultural, and archaeological resources through a variety of actions, including working closely with the County Museum, Native American Tribes, other organizations, and agencies. New development projects will be evaluated for potential impact to cultural resources. The County will consider adoption of a historical review code as an additional means of ensuring protection of historic resources.

(8) The Project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation, rather than focusing solely on vehicular transportation, while stressing community livability. Emphasis is placed on improving and maintaining existing roadway systems and bridges, as opposed to construction of new roadways. This emphasis is in keeping with other General Plan policies that focus new development in the county's community areas. The County will also support programs intended to reduce the number and extent of vehicle trips by working with major employers, supporting carpool and vanpool facilities and incentive programs reducing single-occupant vehicle use. Policies in this Element provide

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for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the county's system of pedestrian, bicycle, and trail routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.

(9) The Project establishes a wide range of parks and recreational opportunities for county residents. The policies call for a needs assessment of parks and recreation, followed by actions to provide needed facilities incorporating multiple uses of parks and school facilities and open spaces in urban communities. The County will work closely with local agencies and school districts in developing its parks and recreation plans and programs. With an emphasis on community livability, policies call for development of trails and bicycle lanes and paths throughout the county.

(10) This General Plan recognizes the need and importance of providing adequate law enforcement services for the county, calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.

(d) Housing.

(1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Mendocino must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code section 21000(g).) The proposed 2009 GPU sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.

(2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The 2009 GPU also outlines a variety of strategies for the County to use to address its long-term housing needs and to meet state and regional housing requirements.

(3) The Project intent is to provide a range of flexibility in how the General Plan is implemented, through updates to the Zoning Ordinance and other development codes. Similarly, flexibility in development standards helps implement the Housing Element.

(e) Legal and Regulatory.

(1) The Project provides for cooperative planning between the County and the four incorporated cities in the county, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.

(2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County's obligations to social, environmental, and housing considerations, all within the constraints of the County's limited budget.

(3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.

(4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (See Public Resources Code section 21004.)

## 1.3 SUMMARY OF SIGNIFICANT & UNAVOIDABLE IMPACTS IDENTIFIED IN UKIAH VALLEY AREA PLAN EIR

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 and associated land use map changes ("UVAP EIR"), making findings of fact related to the feasibility of mitigation measures and project alternatives, adopting a Statement of Overriding Considerations, and adopting a mitigation monitoring and reporting program. The resolution identifies the following significant, unavoidable, growth inducing, and/or cumulative significant impacts:

(a) Land Use:

(1) Impact 3.1-B: Land uses and development consistent with the UVAP would convert farmland and prime agricultural soils to non-agricultural uses. Mitigation Measure 3.1-B.1 reduced the impact; however, even with implementation of the UVAP policies and the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 3.1-F: Implementation of the UVAP would induce growth of population in the plan area by accommodating new residences and businesses. Even with the implementation of UVAP Policy LU4.1 and other UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(3) Impact 3.1-H: Construction of new commercial development and residential development could have social and economic effects that result in a physical adverse change in the environment. Mitigation Measure 3.1-H.1 reduces the impact; however, even with the implementation of the recommended mitigation measure, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(b) Geology and Soils:

(1) Impact 3.2-A: Land uses and development consistent with the UVAP would increase the number of persons exposed to risk of injury and death and the amount of property damage resulting from seismic events in the plan area, including impacts from surface rupture, strong seismic shaking, liquefaction, and landsliding. The Health and Safety Section of the UVAP contains policies and measures to address this impact, specifically Policies HS1.1 and HS1.5. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(c) Hydrology and Water Quality:

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

(1) Impact 3.3-E: Land uses and development consistent with the UVAP could result in the need for new or enlarged storm drain facilities whose construction could result in adverse environmental effects. The County may need to construct new storm drain system improvements to serve area buildout. Construction of those improvements (specific future projects will be identified when needed) would have unknown, but potentially significant site-specific environmental effects. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(d) Cultural Resources:

(1) Impact 3.5-A: Land uses and development consistent with the UVAP has the potential to adversely affect areas of archaeological or historical importance. New development allowed by the UVAP could destroy currently undiscovered cultural resources. All the policies contained in the Historical and Archaeological Preservation Section provide protection for these resources when conditioning discretionary projects. Mitigation Measures 3.3-A.1 and 3.4-A.1 apply to this impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 3.5-B: Land uses and development consistent with the UVAP has the potential to adversely affect areas containing significant paleontological resources. New development allowed by the UVAP could destroy paleontological resources. Adopted General Plan Policy DE-116 requires paleontological resources studies at the County's discretion for all project applications. The studies should identify paleontological resources in a project area and provide mitigation measures for any resources in a project area that cannot be avoided. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(e) Air Quality:

(1) Impact 3.7-A: Land uses and development consistent with the UVAP and buildout of the City of Ukiah would increase traffic volumes and could generate harmful emissions of air pollutants that could result in exposure of people to substantial pollution, violate air quality standards, and/or conflict or obstruct MCAQMD's air quality plan. New development allowed by the UVAP will increase traffic and that traffic will emit hazardous air pollutants, which can adversely affect human health and other environmental resources The UVAP provide many policies to address these air quality impacts, including:

- Policy EA1.3: Maintain and improve air quality.
- Policy LU1.4: Continue to allow growth in High Intensity Development Corridors.
- Policy CT1.2: Maintain an acceptable level of service conditions on existing roadways.
- Policy CT1.4: Comprehensively plan for the future of the Ukiah Valley rail corridor.
- Policy CT2.1: Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.
- Policy CT2.2: Develop a safe and integrated bicycle transportation system in order to promote the use of bicycles as a viable and attractive alternative to the automobile.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

- Policy CT2.3: Increase public transportation use by improving services

Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(f) Aesthetics:

(1) Impact 3.9-A: Future development, unless carefully sited and designed, may be inconsistent with the existing scale and character of existing development in the surrounding area. This development could result in views that are aesthetically offensive. New development allowed by the UVAP will replace open space views with views of development. Such an impact is a necessary result of allowing substantial new development in the plan area. The Open Space and Conservation Section and the Community Design Section provide many policies to concentrate growth in already developed areas and to preserve open space resources. Mitigation Measure 3.9-A.1 reduces the impact; however, even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 3.9-B: Future development, unless carefully sited and designed, may be inconsistent with the existing scale and character of existing development in the surrounding area. This development could result in views that are aesthetically offensive. New development allowed by the UVAP will replace open space views with views of development. New development may be out of character or scale with surrounding development and land uses, and may be aesthetically offensive. The Draft 2007 UVAP contains many policies and measures to ensure that new development is aesthetically designed, especially the measure calling for the development and adoption of design review guidelines. Mitigation Measure 3.9-A.1 reduces the impact; however, even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(3) Impact 3.9-C: New development will create new glare and include new lights that will adversely affect nighttime views. New development allowed by the UVAP will affect existing nighttime views due to the addition of new lights. Policy CD2.2 addresses this impact by stating the County will develop design review guidelines to reduce excessive new light. Mitigation Measures 3.9-A.1 and 3.9-C.1 reduce the impact; however, even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(g) Public Services and Infrastructure:

(1) Impact 3.10-A: New development resulting from buildout of the plan area would generate sufficient students to require the construction of new schools. The construction of those schools could have significant impacts on the environment. New development allowed by the UVAP will generate new students. It is possible that in the future, new schools will need to be built to house some of these additional students. Without knowing where the new school(s) would be built, it is assumed that their construction could have significant impacts. UVAP Policies LU4.1 and LU4.2 reduce the impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

(2) Impact 3.10-C: New development would increase the demand for a new criminal justice center. New development allowed by the UVAP will exacerbate the existing need for a new criminal justice center. Without knowing where the center would be built, it is assumed that its construction could have significant impacts. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(3) Impact 3.10-E: Future development could be placed in locations where people and structures would be exposed to potential wildland fires. New development allowed by the UVAP may be constructed in areas of the valley with high or very high fire hazard ratings. This will place people and improvements at risk from wildfires. UVAP Policies HS1.3 and HS1.4 along with Mitigation Measures 3.1-B.1 and 3.10-E.1 reduce the impact; however, even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(4) Impact 3.10-F: Future development in the plan area could cause conflicts with emergency response and evacuation plans. New development allowed under the UVAP could cause interference with emergency medical response and evacuation. UVAP Policies HS1.3, HS1.4, and HS1.5 along with Mitigation Measures 3.1-B.1 and 3.10-E.1 reduce the impact; however, even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(5) Impact 3.10-G: Development under the UVAP would increase the demands on emergency medical agencies serving the plan area, potentially creating the need for the Ukiah Valley Fire District, the Redwood Valley-Calpella Fire Protection District, Ukiah Fire Department, and Ukiah Ambulance Service to acquire new facilities and equipment. New development allowed under the UVAP would require additional emergency medical response. UVAP Policies LU4.1, L4.2, and HS1.4 reduce the impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(6) Impact 3.10-H: New development will increase the demand for potable water. It is possible that local water purveyors may be unable to meet the demand. Development of new sources of water could have significant environmental effects. Buildout allowed under the UVAP would require additional water supplies. Developing those additional sources could have significant impacts on the environment. UVAP Policies WM1.1, WM2.1, and LU4.1 reduce the impact. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(7) Impact 3.10-I: The increased demand for potable water could require constructing new treatment, storage, or supply facilities, and construction of these facilities could have significant environmental effects. New development allowed under the UVAP would require new water system improvements (e.g., water tanks, water lines, and pump stations). Constructing those improvements could have significant impacts on the environment. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

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(8) Impact 3.10-K: Because future demand for wastewater services may exceed facility capacity, new or expanded facilities may need to be constructed. The construction of these facilities could have adverse environmental effects. Buildout allowed under the Draft 2007 UVAP would require new wastewater system improvements. Constructing those improvements could have significant impacts on the environment. Even with implementation of the UVAP policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(9) Impact 3.10-M: Future development under the UVAP would increase the plan area population, thereby increasing the demand for parks and recreational facilities. This increased demand could result in significant deterioration of existing facilities and the need for new or expanded facilities. New development allowed under the UVAP would require new parks and recreational facilities in order to provide normally acceptable levels of recreational facilities. The Parks and Recreation Section of the UVAP contain numerous policies to ensure that the County provides adequate recreational facilities. However, the UVAP cannot provide mitigations to cover the effects of future park construction. Constructing those improvements could have significant impacts on the environment. Mitigation Measure 3.10-M.1 reduces the impact; however, even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(h) Global Climate Change:

(1) Impact 3.13-A: Land uses and development consistent with the UVAP could result in greenhouse gas emissions that exceed State emission targets and would adversely affect climate. New development allowed under the UVAP would generate emissions of greenhouse gases that would contribute to global climate change. Policies and mitigations for the Air Quality and Energy impacts apply to this impact in addition to Mitigation Measure 3.13-A.1. Even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(2) Impact 3.13-B: The changing climate could cumulatively result in a decrease in water supply, increase in air pollution, and increase in health hazards. The changing global climate may adversely impact the area water supply and cause other adverse impacts. Policies and mitigations for the Air Quality and Energy impacts apply to this impact in addition to Mitigation Measure 3.13-A.1. Even with the implementation of the recommended mitigation measure and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

(i) Growth-Inducing Impacts:

(1) The UVAP would allow substantial new development. The plan would allow substantial new development and an increase in population. This added population will adversely affect the environment. The UVAP contains policies listed in previous impacts to regulate this growth. Even with the implementation of the recommended mitigation measures and the UVAP Policies, the impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

The Statement of Overriding Considerations found that the benefits of the project outweigh the significant impacts due to the following considerations:

(f) Environmental.

(1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

(2) The Project reiterates and reinforces the County's commitments to protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

(3) The General Plan recognizes the wide range of County natural systems, open spaces and recreational opportunities by protecting and enhancing resources. Consistent with this approach, development opportunity is focused in community areas that will support more compact urban development patterns, where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air quality.

(4) The Project supports ecologically sustainable agricultural operations and protection and enhancement of important natural resources through encouraging research, vegetation management programs, best management practices, and technical assistance for agricultural operators while encouraging farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.

(5) The Project includes goals, objectives, and policies that provide additional protection of the County's important natural resources, such as water resources, biotic resources, freshwater and marine environments, scenic resources, timber and agricultural resources. The General Plan contains a comprehensive set of policies and actions (located in the Resource Management Element), which seek to address how Mendocino County manages water supply and quality issues. Key among these recommendations is the need to gather more information to supplement what is already known about water supplies so that future decisions will be based on the best knowledge available. The Project protects and enhances the county's natural ecosystems and valuable resources through prevention of loss of the county's biological resources and fragmentation of oak woodlands, forests, and wildlands and preservation of their economic and ecological values and benefits.

(6) The Project includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate change. Directing new growth to the State Street Corridor and established communities and increasing bike, pedestrian and transit systems will help lower transportation related GHG emissions. Improving building energy efficiency standards and promoting the use of renewable sources (wind, sun, thermal) will lower emissions as well as consumption of fossil fuels.

(7) The Project provides updated General Plan policies that specifically address conditions in the Ukiah Valley and protect water resources. The County will work with agencies in developing long-term water supplies to meet the growth needs planned in this Area Plan.

(8) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on

options for implementing waste reduction targets, encouraging "green building" design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

(9) The Project promotes "smart growth" by focusing future development in already-developed area that contain circulation and infrastructure systems that can serve that growth. The Project thereby provides ample protection for agriculture and open space in much of the Ukiah Valley.

(g) Economic and Fiscal.

(1) The Project focuses on the long term relative to creation of permanent jobs for local residents, consistent with each community planning area's vision for development. Creation of new employment opportunities will be balanced with protection of the environment and natural resources, with the goal of developing new businesses that utilize sustainable systems. Agricultural and timber-based operations are to be protected. Expansion of the tourism industry and County recreational activities will be encouraged.

(2) The Project emphasizes long-term and sustainable economic and community needs over short-term gains by promoting sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.

(3) The Project facilitates a variety of land uses and employment opportunities in community areas, consistent with local community needs and environmental constraints and promotes diversified employment opportunities in the industrial sector and agricultural processing operations. In all instances, the Project promotes and encourages land uses that incorporate environmentally sound practices.

(4) The Project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on mixed-use development. Additionally, policies call for business retention, expansion and diversification, with an emphasis on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts and protecting natural resources.

(5) The Project recognizes the importance and value of agricultural production and the wine industry's annual economic contribution.

(h) Social.

(1) The Project includes policies, goals, and objectives which conform to the County's longstanding growth history, defining a rate of population growth that perpetuates County residents' quality of life.

(2) The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development. Planning efforts will emphasize local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

(3) The Project reflects the County's commitment to the health and well-being of all its residents, and the General Plan land use plans, policies and programs are designed to promote health through promoting an active, inclusive county, where healthy habits are

encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable communities.

(4) The Project development pattern policies provide for new development in the in areas where infrastructure and public services are available. In these areas, compact forms of development will be emphasized, using infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, minimizing urban sprawl and preserving the predominantly rural character of the county.

(5) The Project emphasizes local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

(6) The Project encourages coordination and partnering with the City of Ukiah is encouraged to develop appropriate land use patterns at the city/county interface, minimize environmental and economic impacts, and maximize environmental and economic benefits.

(7) The Project protects the wide range of historic, cultural, and archaeological resources through a variety of actions, including working closely with the County Museum, Native American Tribes, other organizations, and agencies. New development projects will be evaluated for potential impact to cultural resources.

(8) The Project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation, rather than focusing solely on vehicular transportation, while stressing community livability. The County will support programs intended to reduce the number and extent of vehicle trips by working with major employers, supporting carpool and vanpool facilities and incentive programs reducing single-occupant vehicle use. Policies in the Plan provide for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the system of pedestrian, bicycle, and trail routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.

(9) The Project establishes a wide range of parks and recreational opportunities for county residents. The policies call for a needs assessment of parks and recreation, followed by actions to provide needed facilities incorporating multiple uses of parks and school facilities and open spaces in urban communities. The County will work closely with local agencies and school districts in developing its parks and recreation plans and programs. With an emphasis on community livability, policies call for development of trails and bicycle lanes and paths throughout the county.

(10) The Project recognizes the need and importance of providing adequate law enforcement services for the county, calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.

(i) Housing.

(1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Mendocino must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home

and satisfying living environment for every Californian." (See Public Resources Code section 21000(g).)

(2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The County has agreed to a legal settlement requiring that the UVAP designate sufficient land to provide 480 affordable residential units on 24 acres, and the UVAP provides the required land use designation to meet this target as well as future Housing Needs targets.

(3) The Project intent is to provide a range of flexibility in how the Plan is implemented, through updates to the Zoning Ordinance and other development codes. Similarly, flexibility in development standards helps implement the Housing Element.

(j) Legal and Regulatory.

(1) The Project provides for cooperative planning between the County and the City of Ukiah, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.

(2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County's obligations to social, environmental, and housing considerations, all within the constraints of the County's limited budget.

(3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.

(4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (See Public Resources Code section 21004.)

## 1.4 PROJECT SUMMARY

The Mendocino County Zoning Ordinance is a key implementation tool for the General Plan. Many goals, policies, objectives, and action items in the adopted General Plan are achieved through Zoning, which regulates public and private development. The County is responsible for ensuring that its Zoning Ordinance is in conformity with the General Plan, which also includes incorporating recent policies and action items contained in the 2019 Housing Element update. The County is seeking to update the Zoning Ordinance (Title 20, Division I) of the Mendocino County Code The following new and amended uses and regulations are included in the proposed Zoning Ordinance. The Zoning Ordinance (Title 20, Division I) maintains many of the existing regulations and use types, but the update is intended to clarify ambiguous topics and current regulations, such as temporary events, sign regulations, off-street parking regulations, etc. The following is a summary of the proposed updates in Title 20, Division I, Mendocino County Inland Zoning Ordinance:

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

**CHAPTERS PROPOSED TO BE REPEALED:**

The following list contains Chapters proposed to be repealed and the reasons for the proposed repeal. Copies of these Chapters are included as attachments to this Memorandum for ease of reference.

**20.112 "A-H" Airport Height Combining Districts**

This combining district is intended to be applied on properties near airports where the height of structures may need to be limited for safety reasons. This combining district was applied to properties prior to the adoption of the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) in 1993. Since the adoption of the ACLUP, all development in an airport influence area is regulated under the ACLUP regardless of a combining district being applied to the parcel. Development within the airport influence area of Ukiah Airport is subject to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) adopted in 2021 which replaced the Ukiah Airport provisions of the 1993 ACLUP. It The A-H combining district is proposed to be repealed and instead the single "AZ" Airport Zone combining district would be applied over all properties within an airport influence area, which requires compliance with the applicable standards of either the ACLUP or the UKIALUCP including height restrictions. If this repeal is approved, the Department will rezone several properties to reflect the change from A-H to AZ.

**20.128 "AV" Airport Districts**

This combining district is intended to be applied on properties used or planned to be used as airports. This combining district was applied to properties prior to the adoption of the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) in 1993. Since the adoption of the ACLUP, all development in an airport influence area is regulated under the ACLUP regardless of a combining district being applied to the parcel. Development within the airport influence area of Ukiah Airport is subject to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) adopted in 2021 which replaced the Ukiah Airport provisions of the 1993 ACLUP. The A-H combining district is proposed to be repealed and instead the single "AZ" Airport Zone combining district would be applied over all properties within an airport influence area, which requires compliance with the applicable standards of either the ACLUP or the UKIALUCP including airport property use restrictions. No parcels in the County are currently zoned AV.

**20.140 "SH" Special Hazards Combining District**

This combining district is intended to be applied to properties on which uses may need to be restricted because of the presence of potential hazards such as steep or unstable slopes, potential cliff erosion or other potential ground failure. Staff recommends repeal of this Chapter as no properties within the County are zoned with this combining district, areas with geologic risks as a result of known faults are zoned under the "SS" Seismic Study Combining District, and any other hazard concerns are addressed through the building permit process by the Building Division.

**20.148 Supplemental Limitations on Uses**

The limitations listed in this Chapter were intended to be designated with a number on the applicable use types in the preceding sections; however, it does not appear that they were applied to those use types when the Division I was adopted in 1987. All limitations included under this Chapter have been merged into either use type descriptions or deleted due to being either unnecessary or conflicting with State Law. Limitations applicable to Farm Employee or Farm Labor Housing were determined to be inconsistent with state law which requires the treatment of these types of uses as the same as other residential or agricultural uses and therefore these were deleted. Limitations applicable to veterinary hospitals were moved into Chapter 20.152. Limitations on enclosed storage, enclosed building, enclosed building or walls, retail establishments, and gasoline sales were removed since these were never applied to use types in the original zoning code, staff was unable to determine what use types these were originally intended to be applied to.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

**20.206 Extension of Time for Qualifying Clean Slate/BLUR II Applicants**
This Chapter is noted in section 20.206.015 as being repealed as of August 1, 1991. Repeal of the Chapter is consistent with Ordinance 3737 adopted in 1990 that established the repeal date of August 1, 1991. There is no need to keep this Chapter as part of County Code.

**20.220 General Plan—Zoning Ordinance Compatibility**
The provisions of this Chapter are proposed to be merged into Chapter 20.040 Establishment of Zoning Districts.

**20.224 Interim Urgency Ordinance Prohibiting New or Expanded Industrial Uses on Pinoleville Rancheria**
This interim urgency ordinance expired on May 23, 1990. As it is no longer effective, Staff recommends repeal.

**20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area**
This interim urgency ordinance expired on February 12, 1991. As it is no longer effective, Staff recommends repeal.

**20.238 Inclusionary Housing**
The inclusionary housing ordinance is intended to increase the amount of affordable housing supply in the County. This ordinance applies to any residential development applied at subdivision or two or more units, with exceptions such as efficiency units of 650 square feet or less. Developers can comply with the ordinance by reserving a certain percentage of their housing units for affordable housing or by paying in-lieu fees. Chapter 20.238 describes the different percentages of affordable housing or fee amounts based on the amount of housing developed.

This Chapter in its current form is proposed to be repealed and a separate Chapter 20.234 is proposed for adoption. The proposed Chapter 20.234 will move the County to a voluntary program where the County will encourage developers to utilize State Density Bonus Law (Government Code Section 65915 *et seq.*) should they wish to receive concessions and/or incentives for a project. Replacement Chapter 20.234 retains a section regarding the Affordable Housing Trust Fund to ensure that monies received under that fund are utilized for their intended purpose and can also serve as a fund for any equity share funds received pursuant to the density bonus provisions.

Chapter 20.238 Inclusionary Housing was identified as an impediment to housing production in the County's most recent Housing Element. As noted in the Housing Element, local housing developers have expressed concern, including at Board of Supervisors meetings, that the Chapter makes new development unprofitable to complete and is one of the factors that deters developers from bringing any large-scale housing projects to the County. Housing Element Action Item 3.5a(7) states that the County will amend the Inclusionary Housing requirements to allow more flexibility, encouraging greater use of the program. In reviewing the effectiveness of the existing Chapter, staff believes it is harming overall housing production more than it is providing any assistance to affordable housing production, and recommends repeal instead of amendment.

The only major subdivisions processed in the last fifteen years were actually a subdivision and resubdivision of the same property, both of which utilized the exemption of Section 20.238.010 that provides that projects utilizing State Density Bonus Law (Government Code Section 65915 *et seq.*) are exempt from the Chapter.

As currently adopted, the inclusionary housing requirements of Section 20.238.015 are higher than most neighboring jurisdictions. Neighboring jurisdictions, such as the City of Fort Bragg, have

inclusionary housing requirements at 15%. City of Ukiah does not have any locally adopted inclusionary housing ordinance but has other housing programs. The City of Ukiah noted in their 2019-2027 Housing Element as it related to review of their 2014-2019 Housing Element Programs that "studies have shown that when a lack of developer demand exists for housing development, adopting ordinances such as an inclusionary housing ordinance can have the unintended consequence of further restricting housing development." The City ultimately concluded that they had sufficient other incentive-based programs that it was not warranted to adopt an inclusionary housing ordinance.

Chapter 20.238 has an inclusionary requirement that increases as the size of the subdivision increases. For projects of 2-4 units, there is no inclusionary housing unit requirement, but an in-lieu fee is required to be paid. For projects of 5 to 25 units, the inclusionary unit requirement is that 10% of the units must be affordable. For projects of 26 to 50 units, 15% would need to be affordable. For projects of 51-75 units, 20% would have to be affordable. Lastly, any project of 76 or more units is required to make 25% of the units affordable. This is a 66% increase over neighboring jurisdictions. Note that a developer could simply comply with State Density Bonus Law to avoid these requirements, even if the developer elects to make only 10% of the units affordable.

Some of the benefits that one would expect to see from an Inclusionary Housing Ordinance have not been realized in the nearly 15 years since the ordinance was adopted. Most of our compliance with low- and very low-income housing numbers has been the result of specific targeted multi-family projects such as those built by Rural Communities Housing Development Corporation (RCHDC) in recent years in the Ukiah Valley. In addition, in-lieu fees for minor subdivisions collected over the last 15 years have resulted in approximately $150,000 in the Affordable Housing Trust Fund. This amount would provide minimal assistance to any affordable housing project. Even if the funds were used for a first-time homebuyer program, this amount would fund no more than three secondary loans, assuming that $50,000 would actually be sufficient to lower the price of a home on the open market to an affordable housing cost. As a result of these factors, the County has identified the Inclusionary Housing Ordinance as an impediment to development of housing within the County.

**NEW CHAPTERS:**
Proposed amendments include the addition of several new Chapters, as follows: 20.086 "MUNS" Mixed Use North State 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.

**CHAPTER 20.086 "MUNS" Mixed Use North State District and**
**CHAPTER 20.087 "MUBST" Mixed Use Brush Street Triangle District**
These Chapters are proposed to be added to implement the UVAP. When the UVAP was adopted three new land use designations were created but implementing zoning districts were not established. Land use designations added as part of the UVAP were the Mixed Use General, Mixed Use North State and Mixed Use Brush Street Triangle. In 2014, the County adopted Ordinance No. 4329 adding the Mixed Use General "MU-2" zoning district, which implemented the Mixed Use General land use designation. The Department now proposes to add the two remaining zoning districts to implement the UVAP consisting of the MUNS and MUBST districts. The two new zoning districts are structured like all other zoning districts with permitted uses, density standards, and floor area ratio based upon the UVAP land use designation. Additionally, it should be noted that once the zoning districts are established, future development will be evaluated on a project basis for consistency with the zoning regulations and if necessary environmental review will be conducted at the time of project implementation.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

**CHAPTER 20.166 Accessory Dwelling Units and Junior Accessory Dwelling Units**
This Chapter is added to move the standards for Accessory Dwelling Units and Junior Accessory Dwelling Units out of Chapter 20.164 Accessory Uses and into a separate Chapter. Accessory Dwelling Units and Junior Accessory Dwelling Units are still listed as allowable accessory uses in Chapter 20.164, only the standards have been relocated to the new Chapter 20.166. Several updates were made to the standards that previously existing in Chapter 20.164 including several updates that have occurred to State Law such as reduced setbacks, parking standards, and conversion of existing accessory structures to accessory dwelling units.

**CHAPTER 20.170 Moveable Tiny Homes**
In recent years, the use of "Tiny Homes" has been an alternative to creating affordable housing in California, with many jurisdictions now utilizing this as one of the tools for affordable housing in their communities. Conventional construction tiny homes are already permissible within Mendocino County and the County adopted Appendix AQ to the 2022 California Building Code to provide for relaxed standards for tiny homes under 400 square feet in size. The proposed adoption of regulations for moveable tiny homes will further affordable housing within the County, consistent with goals in the County's Housing Element regarding diversity in housing options for varying income levels. This Chapter is proposed to be added based upon Board of Supervisors direction and includes standards for Moveable Tiny Homes. Moveable Tiny Homes are structures that are regulated by the California Department of Motor Vehicles that have an appearance of a stick-built residential structure. A Moveable Tiny Home does not include recreational vehicles or travel trailers. The Board of Supervisors directed to allow Moveable Tiny Homes as either the primary residence on a property or as an Accessory Dwelling Unit subject to the standards recommended in proposed Chapter 20.170. This is not a new use type as a Moveable Tiny Home would be classified as either Family-Residential: Single-family or as an Accessory Dwelling Unit and be subject to the zoning district standards for the district it is located within.

**CHAPTER 20.190 Administration**
This proposed Chapter lays out the basic roles, responsibilities and functions of all planning authorities, including the Board of Supervisors, Planning Commission, Zoning Administrator and Planning and Building Services Director. The Chapter also provides a single location for public hearing procedures and noticing, procedures for modification or revocation of approved permits or approvals, administrative withdrawal of abandoned applications, application forms and fees, and the review of applications.

**CHAPTER 20.234 Affordable Housing and Density Bonuses**
The proposed Chapter includes a density bonus and incentive program consistent with Government Code sections 65915-65918 and procedures associated with such applications. The proposed Chapter also includes a bridge for the Affordable Housing Trust Fund such that the funds previously collected under Chapter 20.238 (Inclusionary Housing) can still be utilized for furthering affordable housing within the County, and also serve as the depository for any equity share funds realized from density bonus projects.

**AMENDMENTS:**
Proposed amendments include clean ups to numerous Chapters within Division I to (1) implement the changes noted in this memorandum; (2) reorganize portions to make the code more user friendly; and (3) to remove unnecessary or redundant sections. Several new chapters and sections are proposed including two new zoning districts to implement the Ukiah Valley Area Plan (UVAP), a new affordable housing and density bonus chapter, regulations for moveable tiny homes, low-intensity camping, and an administration chapter. Each of the new chapters are discussed individually in this memorandum.

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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; 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.

Minor amendments are made to Chapter 20.004 General Provisions for consistency purposes. Staff has also corrected what appears to be a minor oversight regarding Animal Raising-Personal in the Agricultural (AG), Rangeland (R-L), Forestland (F-L), and Timber Production Zone (TPZ) zoning districts where the higher intensity use of Animal Raising is permissible but not the lower intensity use of personal. In addition, Animal Raising-Personal has been added as a permissible use type to the Limited Commercial (C-1) and General Commercial (C-2) as agricultural uses of similar or greater intensity are already allowed within these districts and this would allow for any residential uses within the district to have similar allowable uses to other residentially developed parcels.

**CHAPTER 20.008 Definitions**
This Chapter has been amended to reflect the changes made throughout the code and remove erroneous or duplicative definitions.

**CHAPTER 20.016 Residential Use Types**

Section 20.016.010 Assisted Living Residential Care Facility:
This proposed section appears like a new use type within Chapter 20.016; however, this use was previously listed as an allowable accessory use in Section 20.164.015(T) and was termed as "Family Care Home". This shift from accessory use to a listed use type has no impact on the overall allowance for these types of facilities and clarifies that this use can be a standalone use on a property. As an accessory use this use was allowed as accessory to all residential and agricultural use types and could be developed prior to a primary use being established on the property and therefore the transition to a principally permitted use in all districts that allow residential and agricultural use types will have no change to potential impacts as accessory uses are principally permitted already in all zoning districts. Assisted Living Residential Care Facilities are not permitted within the Industrial zoning districts of Limited Industrial and General industrial as Health and Safety Code is specific to not requiring a conditional use permit, zoning variance, or other zoning clearance for these types of facilities that is not required of a family dwelling of the same type in the same zone. Since no Family Residential use types are permitted within the Limited Industrial or General Industrial zoning districts it is appropriate to not allow for Assisted Living Residential Care Facilities in these districts.

Section 20.016.020 Day Care Facility:
This proposed section appears like a new use type within Chapter 20.016; however, this use was previously listed as an allowable accessory use in Sections 20.164.015(V) and (W) were termed as "Day Care Home-Small Family" and "Day Care Home-Large Family". Pursuant to California Health and Safety Code section 1597.45 Day Care Facilities are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. California Health and Safety Code section 1597.40 provides that the applicable state law provisions shall preempt local laws. As such, this use was relocated to the Residential Use Types and is subject to the same standards as only residential use types in all zoning districts. As an accessory use this use was allowed as accessory to all residential and agricultural use types and therefore it is considered principally permitted in all districts that allow residential and agricultural use types. In the Industrial zoning districts, Day Care Facility includes a parenthetical that the use type is only allowed in conjunction with Employee Housing and not as a stand-alone use type.

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Section 20.016.025 Employee Housing:
This proposed use type replaces the previous use types of Farm Employee Housing, Farm Labor Housing, Industrial Caretaker Housing, and Industrial Employee Housing. The Employee Housing Act provides for housing for a variety of employee types including agricultural employees and non-agricultural employees. As proposed, this use type references directly to the Employee Housing Act as specified in California Health and Safety Code sections 17000 through 17062.5. Sections 17021.5 and 17021.6 of the Employee Housing Act requires that qualifying employee housing be treated the same as residential and agricultural use types in the zoning district, as applicable. Nearly all zoning classifications within the County allow both residential and agricultural use types by right and therefore Employee Housing is principally permitted in all zoning districts.

Section 20.016.030 Low Barrier Navigation Center:
Low Barrier Navigation Center in Government Code sections 65660-65668 was added in 2019 by AB 101. Low Barrier Navigation Center means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Pursuant to Government Code section 65662 a Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. Low Barrier Navigation Centers are listed as principally permitted in all zoning districts that allow multifamily uses or mixed use zones and listed as a use subject to an administrative permit in all other zoning districts. As currently written, the provisions of Government Code sections 65660-65668 are repealed as of January 1, 2027, unless extended

Section 20.016.040 Supportive Housing and 20.016.045 Transitional Housing:
These use types were previously listed in Section 20.152.040. Pursuant to Government Code sections 65650-65656, supporting housing is a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Supportive and Transitional housing units are listed as principally permitted in all zoning districts that allow multifamily uses and listed as uses subject to an administrative permit in all other zoning districts.

**CHAPTER 20.020 Civic Use Types**

Section 20.020.023 Child Day Care Facility.
This use type is proposed to be deleted as it does not appear as a permitted use type in any zoning district. The new residential use type of Day Care Facility addresses all necessary Child Day Care Facility uses.

**CHAPTER 20.024 Commercial Use Types**

Section 20.024.065 Eating and Drinking Establishments:
Language is proposed to be added at the end of the existing use type to reflect that tasting rooms are classified within this use type if they are not associated with a Packaging and Processing—winery use type.

Section 20.024.140(C) Wholesaling, Storage and Distribution—Heavy:
This use type is amended to clarify that propane providers are included as part of this use type. Propane providers have been classified as being under this use type in the past by a Directors use classification pursuant to Chapter 20.012 of County Code, so there is no change, solely codifying the past determination. The existing use type covers open-air storage, distribution and handling of

materials and equipment. Since the storage of propane and associated tanks as well as the distribution to customers fit closely with this existing use type it is now listed as a "typical use" in this section.

**CHAPTER 20.036 Extractive Use Types**
The Extractive Use Type of Mining and Processing, found in Section 20.036.010, is proposed to be amended to remove reference to a major use permit and instead only reference a use permit and additionally to clarify that water extraction for bulk sale from either a well, spring, watercourse or any other source that is not a water district is included in this use. The Director of Planning and Building Services has previously classified water extraction within this use type, so this change is codifying that previous determination. The Director Planning and Building Services has the authority to classify common uses pursuant to Chapter 20.012 considering "common functional, product, or compatibility characteristics with other uses already classified within the use type". Since as early as 1985, the Department has considered water extraction to be an extractive use type, "Mining and Processing". This interpretation was affirmed by the Planning Commission and ultimately the Board of Supervisors in 2001 via Administrative Appeal #AA 1-2001, which related to the extraction of water from a private well for bulk sale. The extraction of water for bulk sale is most similar to extractive uses such as soil, rock, mineral or geothermal extraction and sale. This is due to the fact that it essentially involves the extraction of a natural resource from the property and selling it for off-site use, similar to mineral extraction and sale.

**CHAPTER 20.152 General Provisions and Exceptions to Districts**
Amendments to this Chapter include the addition of guidance and graphics to ease the measurement of height, setbacks, etc. for both the public and staff. Yard and Setback Exceptions previously contained in separate chapters have been consolidated into the single Section 20.152.015. This includes the relocation of setback exceptions that were listed in Chapter 20.164 Accessory Use Regulations and Chapter 20.148 Supplemental Limitations on Uses. This Chapter also includes clearer guidance on Fences, Walls and Screening including tables and graphics. Section 20.152.015 was amended to establish consistent four (4) foot setbacks for minor accessory improvements consistent with setback standards for Accessory Dwelling Units. The Height Exceptions in section 20.152.025 were amended to clarify that wind generators includes windmills associated with agricultural uses. In addition, staff removed reference to allowances for additional heights for public utility structures. Variances are defined by Government Code section 65906 and staff recommends removal of the unspecified height increases for public utility structures without the processing of a variance. A variance is the most appropriate process to address unspecified deviations from zoning code standards.

The Corridor Preservation Setback is recommended to be removed and development would solely be subject to yard setbacks and outside of any road right-of-way. This change has been supported by the Board of Supervisors and is consistent with how both the California Department of Transportation and the County Department of Transportation protect the right-of-way. This issue comes up most commonly when it relates to fence construction. Often applicants will be upset as they have contacted the applicable transportation department and are told to stay only a few feet off of the right-of-way and when they contact Planning and Building Services are told a much more significant setback distance. These entities have purview over and processes regarding how any roadway expansion would be handled in the future, including acquisition and removal of any structures within expansion areas. Density Bonus provisions have been relocated to proposed Chapter 20.234. Density Transfer language is proposed for deletion as it has never been utilized and it is unclear as to its applicability. Supportive and Transitional Housing have become Residential Use Types and were discussed earlier in this memorandum, and are being deleted from this Chapter.

# 1. Addendum to the Certified General Plan EIR and Certified Ukiah Valley Area Plan EIR

**CHAPTER 20.164 Accessory Use Regulations**
Amendments to this Chapter include clean-ups for items previously discussed in this memorandum. The largest change to this Chapter is the addition of Second Residential Units. Prior to adoption of the current Accessory Dwelling Unit regulations, the County allowed Second Residential Units. When the Accessory Dwelling Unit regulations were adopted there were many complaints from the public about the square-footage limitation. As a result, Staff recommends creating allowance for a Second Residential Unit in lieu of an Accessory Dwelling Unit. This would allow for individuals who desire to have the benefits of reduced setbacks or parking exceptions to be able to construct an Accessory Dwelling Unit while also allowing for individuals who desire a larger Second Residential Unit to be able to permit a Second Residential Unit in lieu of the Accessory Dwelling Unit. This will further the implementation of the County's Housing Element by providing more choices of affordable housing within the unincorporated area of the County. Such units are considered approved ministerially without discretionary review, but would be subject to the development standards contained within the Zoning Ordinance.

**CHAPTER 20.168 Temporary Use Regulations**
Amendments are proposed to the Temporary Use Regulations Chapter to include regulations for Food Trucks and clarify permitting requirements for temporary events and temporary camping. Food trucks have been operated in Mendocino County for decades informally, with previous interpretations made citing that food trucks were to be operated only in commercial zoning districts. The proposed regulations will now define food trucks as a temporary use subject to an Administrative Permit. Food Trucks will still require the appropriate permits through the Division of Environmental Health, with no changes to the required permitting.

**CHAPTER 20.172 Mobile Homes and Mobile Home Parks**
Amendments are proposed to this Chapter to remove what appears to be an erroneous reference to exceptions for mobile home parks who have spaces that exceed 6,000 square feet. In addition, the Development standards have been revised to reflect current Department practices as it relates to application filings. In addition, the Development Standards for individual mobile homes in Section 20.172.015(A)(5) regarding minimum square footage has been struck. This limitation is in conflict with state law provisions which provide that mobile homes can not be subjected to different standards than a conventional single-family residence.

**CHAPTER 20.176 Recreational Vehicle Parks and Campgrounds**
Minor administrative amendments are made to 20.176.015 to remove the requirement for pre-submittal of development plans to the Director before submitting a formal application for a recreational vehicle park or campground.

**CHAPTER 20.180 Off-street Parking**
Amendments are proposed to this Chapter to reorganize portions of the regulations to improve user-friendliness. Amendments are proposed to section 20.180.010 to comply with California Government Code section 65863.2(a) which states that *"a public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit."* Amendments are proposed to section 20.180.020 to address the surfacing of parking areas with a minimum fifty percent of permeable materials and that lighting be downcast and shielded. In addition, staff amended subpart (F) as it relates to electric vehicle charging stations to comply with General Plan Policy DE-275 and California Government Code section 65858.71(d). General Plan Policy DE-275 required that the County revise parking standards to allow one electric vehicle charging station parking space to count as two standard parking spaces. California Government Code section 65858.71(d) requires that if an electric vehicle charging station and associated equipment interfere with, reduce, or eliminate or in any way impact the required parking spaces for existing uses that

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the local government must reduce the number of required spaces by the amount necessary to accommodate the charging station and associated equipment.

In addition, staff has added provisions for shared parking facilities, which will reduce potential impacts from development where shared parking can be accommodated by reducing overall lot coverage. Additional standards have also been added for drive-through facilities to ensure pedestrian safety and adequate circulation. Graphics are included to provide guidance to both staff and the public on parking requirements. Additionally, the proposed standards will further aid in the implementation of the UVAP Policies, including:

> UVAP Policy CD.1d: Parking Requirements, which states *"Include parking standards in the land development code to guide commercial and industrial parking quantity and design. Requirements shall focus on minimizing the number of stalls required and improving site aesthetics, providing shade, reducing solar heat gain, and clean drainage."*

Implementation of the parking standards will be consistent with the adopted General Plan and UVAP.

**CHAPTER 20.184 Sign Regulations**
Amendments are proposed to this Chapter to improve the user experience and provide graphics for additional guidance on calculating standards such as sign area and measuring sign height. There are no exemptions for signs that would result in unregulated signage that would conflict with the previously adopted EIR for the General Plan.

**CHAPTER 20.192 Administrative Permits**
Amendments have been made to this Chapter to align the application process to be consistent with other chapters in the code for processing of Use Permits and Variances. In addition, Findings are now included that are required to be made for Administrative Permits. The largest change is that all Administrative Permits will be subject to a public hearing with the Zoning Administrator. The proposed amendments will also allow the Zoning Administrator to elevate an Administrative Permit to the jurisdiction of the Planning Commission in the case where the public interest warrants.

**CHAPTER 20.196 Use Permits**
Amendments have been made to this Chapter to align the application process to be consistent with other chapters in the code for processing of Administrative Permits and Variances. Amendments also reflect the proposed addition of the Administration Chapter in proposed Chapter 20.190 where all public noticing requirements and modification procedures are now located.

**CHAPTER 20.200 Variances**
Amendments have been made to this Chapter to align the application process to be consistent with other chapters in the code for processing of Administrative Permits and Use Permits. Amendments also reflect the proposed addition of the Administration Chapter in proposed Chapter 20.190 where all public noticing requirements and modification procedures are now located. The most significant change in this Chapter is that Variances are proposed to be handled by the Planning Commission as opposed to the Zoning Administrator. Staff recommends that deviation from zone standards should be handled by a higher planning body than the Zoning Administrator. Given the limited number of variances received in any given year, staff does not anticipate that this will be a significant workload increase for the Planning Commission.

**CHAPTER 20.204 Nonconforming Uses and Structures**
Amendments are proposed to this Chapter to provide greater clarity in the regulations and also to align the Chapter with language contained in other Divisions of Title 20. As an example, the Coastal

Zoning Code allows for reconstruction of non-conforming structures provided reconstruction is started within 1 year and previously the Inland Zoning Code did not have such an allowance. Amendments were made to section 20.204.015 as it relates to restoration of damaged structures to reflect the reasonable timelines for the restoration of such uses. Modification of the timelines for restoration remains consistent with General Plan Policy DE-32 which speaks to, in part, the re-establishment of discontinued or destroyed legal nonconforming uses and structures provided they are reestablished within a reasonable time, as established in the zoning code.

In addition, expansion of nonconforming uses and structures now require obtainment of a use permit as opposed to an administrative permit. This change solely modifies the hearing body where a permit for this activity would be heard.

**CHAPTER 20.208 Appeals**
Minor amendments are proposed to this Chapter to provide clarity in the regulations and clarify that notice of certain appeals is to be provided.

**CHAPTER 20.212 Amendments, Alterations, and Changes in Districts**
Minor amendments are proposed to this Chapter to provide clarity in the regulations and procedures surrounding applications for general plan amendments and rezonings, specific plans, zoning code provisions, and zoning map. The Chapter is also proposed to renamed to Amendments to General Plan, Specific Plan, Zoning Code, and Zoning Map.

**CHAPTER 20.216 Enforcement**
Minor amendments are proposed to this Chapter to align the Chapter with enforcement procedures contained in other titles of County Code.

**CHAPTER 20.236 Towers and Antennas**
Minor amendments to references to Federal regulations have been updated within this Chapter.

**CHAPTER 20.242 Cannabis Cultivation**
Proposed amendments include elimination of Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit. With public hearings and individual environmental review being required for all Administrative Permits and the hearing body remaining the Zoning Administrator with option to elevate permits to the Planning Commission there is no potential impact to the environment or the ability for the public to participate in decisions on such permits. No required findings for discretionary permits for cultivation are changed as a result of these amendments.

**CHAPTER 20.243 Cannabis Facilities**
Proposed amendments include elimination of Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit. With public hearings and individual environmental review being required for all Administrative Permits and the hearing body remaining the Zoning Administrator with option to elevate permits to the Planning Commission there is no potential impact to the environment or the ability for the public to participate in decisions on such permits. No required findings for discretionary permits for cannabis facilities are changed as a result of these amendments.

## 1.5 APPROACH TO CEQA ANALYSIS

In the case of an application requiring discretionary approval on a project for which an EIR has been certified, the California Environmental Quality Act (CEQA) requires the lead agency to determine whether

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a supplemental or subsequent EIR is required. The requirement is codified in Public Resources Code section 21166 and CEQA Guidelines Section 15162. Section 15162 provides guidance in this process by requiring an examination of whether, since the certification of the EIR and approval of the project, changes in the project or conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, the County would be required to prepare a subsequent EIR or supplement to the EIR.

The following review examines the proposed amendments to Title 20, Division I in accordance with Section 15162. The evaluation concludes that the conditions set forth in Section 15162 are not present, and that an Addendum to the EIR is the appropriate CEQA document pursuant to CEQA Guidelines Section 15164.

Each of the following standards, as set forth in Section 15162(a), are addressed in this Addendum.

1) Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

2) Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

3) Is there new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, that shows any of the following:

    (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

    (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR (or negative declaration);

    (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

    (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA, this Addendum evaluates the proposed amendments to Title 20, Division I to determine whether circumstances are present that could require a supplemental environmental document. Based on the Addendum, County staff recommends that: (a) the impacts of the proposed amendments to Title 20, Division I are within the scope of those analyzed in the General Plan EIR and UVAP EIR that was reviewed and certified by the County; (b) no changes are required to either the General Plan EIR or the UVAP EIR, and (c) the General Plan EIR and UVAP EIR provides a sufficient and adequate analysis of the environmental impacts of the proposed amendments to Title 20, Division I.

# 2. CEQA Analysis for General Plan EIR

## 2.1 "SUBSTANTIAL CHANGES IN THE PROJECT" STANDARD

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this section presents a discussion of whether substantial changes are proposed which will require major revisions of the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The General Plan contains policies related to development, resource management, housing, the community, and coastal resources. The General Plan is primarily designed to be self-mitigating by incorporating policies and implementation measures that address and mitigate related environmental impacts, such as zoning codes and design standards.

The proposed project would update the existing Zoning Ordinance (Title 20, Division I) to ensure compliance with the adopted Housing Element, General Plan, and the Ukiah Valley Area Plan (UVAP). The proposed project does not alter the requirements or policies analyzed in the General Plan EIR. The proposed project consists of updated text, inclusion of graphics, language clarifications, the addition of tables and improved format and the inclusion of different housing types to implement the adopted Housing Element, and the creation of two new Zoning Districts as called for in the UVAP. The clarifications made to the proposed updated Zoning Ordinance consisting of graphic additions, language clarifications, cross references and updates to procedures and permitting processes have no potential for impacts on the environment as they are solely providing greater guidance on existing code requirements that were considered at the time the 1987 code was adopted as well as when the 2009 General Plan EIR was certified and are administrative in nature. The term "project" as defined in CEQA Guidelines Section 15378 specifically excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

Proposed amendments include amendments to allowable uses in all zoning districts and Chapters 20.242 (Cannabis Cultivation) and 20.243 (Cannabis Facilities) to eliminate Minor Use Permits by making all uses previously subject to a Minor Use Permit instead subject to an Administrative Permit. Public hearings and individual environmental review is required for all Administrative Permits, the hearing body remaining the Zoning Administrator with option to elevate permits to the Planning Commission. In addition there are nor changes to required findings for such permits. As such, there is no potential impact to the environment or the ability for the public to participate in decisions on such permits.

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 Rancher; 20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area; and 20.238 Inclusionary Housing.

The repeal of Chapter 20.112 "A-H" Airport Height Combining Districts and Chapter 20.128 "AV" Airport Districts will have no impact on the environment. These districts were applied to properties prior to the adoption of the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) in 1993. Since the adoption of the ACLUP, all development in an airport influence area is regulated under the ACLUP

regardless of a combining district being applied to the parcel. Development within the airport influence area of Ukiah Airport is subject to the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) adopted in 2021 which replaced the Ukiah Airport provisions of the 1993 ACLUP. The A-H combining district and the AV district are proposed to be repealed and instead the single "AZ" Airport Zone combining district would be applied over all properties within an airport influence area, which requires compliance with the applicable standards of either the ACLUP or the UKIALUCP including height restrictions and airport property use restrictions. Currently no properties in the county are zoned "AV" Airport Districts.

The repeal of Chapter 20.140 "SH" Special Hazards Combining District will have no impact on the environment as no parcels are currently zoned with this combining district, as a result there is no change to allowances on any property within the County.

The repeal of Chapter 20.148 Supplemental Limitations on Uses will have no impact on the environment. The limitations listed in this Chapter were intended to be designated with a number on the applicable use types in the preceding sections; however, it does not appear that they were applied to those use types when the code was adopted in 1987. As a result these limitations were never actually made applicable to use types within the Code. All limitations included under this Chapter have been merged into either use type descriptions or deleted due to being either inconsistent with State Law or having never been applied previously.. Given the lack of applicability of this section and that any relevant limitations have now been moved so that they can be applicable to use types as appropriate, there is no impact on the environment from the repeal of this chapter. Further, the relocation of these limitations does not in itself cause an impact upon the environment as they were considered under the 2009 General Plan EIR since they have existed since 1987.

The repeal of Chapters 20.206 Extension of Time for Qualifying Clean Slate/BLUR II Applicants, 20.224 Interim Urgency Ordinance Prohibiting New or Expanded Industrial Uses on Pinoleville Rancheria, and 20.228 Interim Urgency Ordinance Prohibiting Subdivision of Land Within the North Fort Bragg/Pudding Creek Planned Development Area is a clean up task as each Chapter is either no longer effective or states that it will be repealed as of a particular date which has since passed. There is no potential for impact on the environment as these Chapters are no longer effective.

The repeal of Chapter 20.220 General Plan—Zoning Ordinance Compatibility will have no impact on the environment as this chapter primarily included a comparison table to indicate what zoning districts were compatible with various General Plan classifications. The language contained in this Chapter and the associated comparison table has been relocated to Chapter 20.040 Establishment of Zoning Districts. As a result, there is no impact on the environment and the compatibility table mirrors that which was adopted within the 2009 General Plan.

The repeal of Chapter 20.238 Inclusionary Housing will have no impact on the environment within the meaning of CEQA. This Chapter required the incorporation of affordable housing into major subdivisions and/or payment of an in-lieu fee to support the further development of affordable housing within the County. The repeal of the Chapter does not change allowable uses or density of use of property. The County proposes to adopt a new Chapter, Chapter 20.234, that will provide for density bonus opportunities consistent with State Density Bonus Law and retains a section regarding the Affordable Housing Trust Fund. There will be no impact to the environment within the meaning of CEQA as a result of repeal of this Chapter.

Amendments are proposed to every zoning district (Chapters 20.044 through 20.108) to 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 do not create any additional impacts on the environment. Corresponding use types were also added to Chapter 20.016 (Residential Use Types). Regarding Day Care Facilities, California Health and Safety Code section 1597.40 provides that the applicable state law provisions shall preempt local laws. As such, this use was relocated to the Residential Use Types and is subject to the same standards as only residential use types

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in all zoning districts. As an accessory use this use was allowed as accessory to all residential and agricultural use types and therefore it is considered principally permitted in all districts that allow residential and agricultural use types. Sections 17021.5 and 17021.6 of the Employee Housing Act require that qualifying employee housing be treated the same as residential and agricultural use types in the zoning district, as applicable. Nearly all zoning classifications within the County allow both residential and agricultural use types by right and therefore Employee Housing is principally permitted in all zoning districts. Pursuant to Government Code section 65662 a Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses Low Barrier Navigation Centers are listed as principally permitted in all zoning districts that allow multifamily uses or mixed use zones and listed as a use subject to an administrative permit in all other zoning districts. Supportive and Transitional housing units are listed as principally permitted in all zoning districts that allow multifamily uses and listed as uses subject to an administrative permit in all other zoning districts. All zoning districts within the County allow either residential or agricultural uses by right or multifamily and/or mixed use and as a result the use types of Day Care Facilities, Assisted Living Residential Care Facilities, Employee Housing, Low Barrier Navigation Centers, Supportive and Transitional Housing contained in proposed Chapter 20.016 have the same level of intensity and potential impact as existing uses in each zoning district, as applicable to the use type, that were analyzed under the 2009 General Plan EIR. As a result, there is no potential for impact upon the environment as the analogous uses were previously analyzed. Further the proposed amendments implement state law requirements.

The required permit level was modified in Chapters 20.088 and 20.092 for the Commercial zoning districts to require that the Automotive and Equipment – gasoline sales use type requires a use permit instead of an administrative permit. This change solely modifies the hearing body where a permit for this use type would be heard. At the direction of the Planning Commission, Staff added the allowance for Animal Raising—personal to both of the Commercial zoning districts as agricultural uses of similar or greater intensity are already allowed within these districts and this would allow for any residential uses within the district to have similar allowable uses to other residentially developed parcels.

The Height Exceptions in section 20.152.025 were amended to clarify that wind generators includes windmills associated with agricultural uses. In addition, staff removed reference to allowances for additional heights for public utility structures. Variances are defined by Government Code section 65906 and staff recommends removal of the unspecified height increases for public utility structures without the processing of a variance. A variance is the most appropriate process to address unspecified deviations from zoning code standards. There is no potential for impact on the environment from these changes as they are clarifications and also moving approval for unspecified height increases for public utility structures to a discretionary permit process with individualized review under CEQA.

Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations have been moved to a standalone Chapter but the use types are still listed within Chapter 20.164 Accessory Use Regulations. Several updates were made to the standards that previously existing in Chapter 20.164 including several updates that have occurred to State Law. Related to this, amendments to Chapter 20.164 Accessory Use Regulations include the addition of Second Residential Units. Prior to adoption of the current Accessory Dwelling Unit regulations in 2018, the County allowed Second Residential Units. When the Accessory Dwelling Unit regulations were adopted there were many complaints from the public about the square-footage limitation. As a result, Staff recommends creating allowance for a Second Residential Unit in lieu of an Accessory Dwelling Unit. This would allow for individuals who desire to have the benefits of reduced setbacks or parking exceptions to be able to construct an Accessory Dwelling Unit while also allowing for individuals who desire a larger Second Residential Unit to be able to permit a Second Residential Unit in lieu of the Accessory Dwelling Unit. Second Residential Units did not have any square footage limitation associated with them as written in the code prior to the 2018 amendments to replace them with Accessory Dwelling Units. In addition, there is no change in density as the regulations allow for either an Accessory Dwelling Unit or a Second Residential Unit, but not both. As a result, the environmental effects of both allowance for

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Second Residential Units was analyzed under the 2009 General Plan EIR as the regulations for Second Residential Units have existed since 1987. This increase in allowable square footage will have no impact on the environment as the development is still subject to all standards previously required to ensure adequate protection of the environment, including demonstration of adequate water and septic infrastructure.

New regulations are proposed for Moveable Tiny Homes, which are structures that are regulated by the California Department of Motor Vehicles that have an appearance of a stick-built residential structure. A Moveable Tiny Home does not include recreational vehicles or travel trailers. The Board of Supervisors directed to allow Moveable Tiny Homes as either the primary residence on a property or as an Accessory Dwelling Unit subject to the standards recommended in proposed Chapter 20.170. This is not a new use type as a Moveable Tiny Home would be classified as either Family-Residential: Single-family or as an Accessory Dwelling Unit and be subject to the zoning district standards for the district it is located within. Given that these new regulations are tied to analogous existing uses of both single family homes and/or accessory dwelling units/second residential units these use types were analyzed under the potential impacts considered as a result of residential land uses in the 2009 General Plan EIR. Standards have been added to ensure that moveable tiny homes have the appearance of conventional construction residences, no impact will result.

Amendments are proposed to the Temporary Use Regulations in Chapter 20.168 to include regulations for Food Trucks and clarify permitting requirements for temporary events and temporary camping. Food trucks have been operated in Mendocino County for decades informally, with previous interpretations made citing that food trucks were to be operated only in commercial zoning districts. The proposed regulations will now define food trucks as a temporary use subject to an Administrative Permit if operated in a single location for more than four (4) hours. The requirement for an Administrative Permit will allow for site specific CEQA review for any new food truck operations. Food Trucks will still require the appropriate permits through the Division of Environmental Health. The addition of Food Trucks as a temporary use implements General Plan policies supporting economic development.

Amendments are proposed to Chapter 20.204 Nonconforming Uses and Structures clarity in the regulations and also to align the Chapter with language contained in other Divisions of Title 20. Amendments were made to section 20.204.015 as it relates to restoration of damaged structures to reflect the reasonable timelines for the restoration of such uses. Modification of the timelines for restoration remains consistent with General Plan Policy DE-32 which speaks to, in part, the re-establishment of discontinued or destroyed legal nonconforming uses and structures provided they are reestablished within a reasonable time, as established in the zoning code. There is no potential for environmental impacts as a result of this amended language as it pertains to the replacement of structures that already exist in the same footprint or with minimal expansion (if destroyed by involuntary means).

The elimination of Minor Use Permits by moving all uses previously subject to a Minor Use Permit to subject to an Administrative Permit or Use Permit is considered an administrative change as both are discretionary permits subject to the same hearing body. There is no potential for impact on the environment from these changes as they are administrative and both permit types would require individualized review under CEQA.

Amendments made to remaining Chapters are reorganizations, clarifications, or graphics and do not change overall allowable uses and therefore can be seen to have no impact on the environment. Chapter 20.190 is added to Division I to provide for Administration guidance and is considered the addition of only administrative provisions. Other amendments that are administrative in nature include amendments to Chapter 20.008 Definitions, Chapter 20.020 Civic Use Types, 20.040 Establishment of Districts, Chapter 20.136 Planned Development Combining District, Chapter 20.164 Accessory Use Regulations, Chapters 20.180 Off Street Parking, Chapters 20.184 Sign Regulations, 20.192 Administrative Permits, 20.196 Use Permits, 20.200 Variances, 20.208 Appeals, 20.212 Amendments Alterations, and Changes in Districts (to

be renamed), 20.216 Enforcement, 20.236 Towers and Antennas, 20.242 Cannabis Cultivation and 20.243 Cannabis Facilities.

The California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and its implementing Guidelines (14 Cal. Code Regs. 15000 et seq.; "CEQA Guidelines") apply to a project. The term "project" is defined in CEQA Guidelines Section 15378, and specifically excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

Because the proposed 2024 updated Zoning Ordinance would not result in a physical impact, the proposed project's impacts would be no more substantial than analyzed in the General Plan EIR.

## 2.2 "SUBSTANTIAL CHANGES IN THE CIRCUMSTANCES" STANDARD

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this section presents a discussion of whether changes to the project site or the vicinity have occurred subsequent to the certification of the General Plan EIR that would result in new significant impacts or a substantial increase in the severity of a previously identified significant impact.

No substantial changes have occurred within the County since the certification of the 2009 General Plan EIR. Development in the region has occurred at a slower pace than anticipated in the General Plan EIR. Based on the environmental baseline identified in the General Plan EIR, the physical changes in the county that have occurred are consistent with the analysis of the General Plan EIR and the cumulative projects considered in the General Plan EIR. There have been no substantial changes in the circumstances of the county as considered in the General Plan EIR.

## 2.3 "NEW INFORMATION OF SUBSTANTIAL IMPORTANCE" STANDARD

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this section includes a discussion of whether the Modified Project would result in new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. New information of substantial importance includes: (1) one or more significant effects not discussed in the previous EIR; (2) significant effects previously examined that are substantially more severe than shown in the previous EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR and that would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No new information of substantial importance has been identified that was not known or could have been known at the time of certification of the previous EIR that shows the zoning code update will have one or more significant effects not discussed in the previous EIR. As discussed in the subsequent section, no significant effects previously examined are substantially more severe than shown in the previous EIR. The Mendocino County Board of Supervisors determined all mitigation measures in the 2009 General Plan EIR to be feasible and as a result all were adopted as goals, policies, or action items in connection with the 2009 General Plan Update. No new mitigation measures are recommended.

## 2.4 ENVIRONMENTAL REVIEW

The Mitigation Monitoring and Report Program adopted for the General Plan EIR identifies Mitigation Measures in the following potential impact categories: Biological Resources, Cultural Resources, and Noise.

Biological Resource Mitigation Measures 4.4.1a through 4.4.3 were addressed within the Resource Management Element of the General Plan. None of the proposed amendments to the zoning regulations alter any existing protections for biological resources including wetlands, oak woodlands, sensitive biotic communities, or any other "sensitive resources". No new mitigation measures are necessary as a result of the proposed amendments to the zoning regulations as all potential impacts were previously analyzed under the General Plan EIR.

Cultural Resource Mitigation Measures 4.5.1 and 4.5.2 were addressed within the Development Element of the General Plan. None of the proposed amendments to the zoning regulations alter any existing protections or requirements for cultural resources. No new mitigation measures are necessary as a result of the proposed amendments to the zoning regulations as all potential impacts were previously analyzed under the General Plan EIR.

Noise Mitigation Measure 4.10.1 was addressed within the Development Element of the General Plan. None of the proposed amendments to the zoning regulations alter any existing noise provisions. Appendix C, which contains exterior noise limit standards, remains unchanged.

# 3. CEQA Analysis for Ukiah Valley Area Plan EIR

## 3.1 "SUBSTANTIAL CHANGES IN THE PROJECT" STANDARD

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this section presents a discussion of whether substantial changes are proposed which will require major revisions of the Ukiah Valley Area Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The proposed amendments being made throughout the zoning code are discussed in the Section 2 of this Addendum regarding the CEQA Analysis for the General Plan EIR. As the Ukiah Valley Area Plan (UVAP) was a focused plan for the Ukiah Valley Area that relied heavily on the existing General Plan policies analyzed under the General Plan EIR, the discussion in this Section of the Addendum will focus on solely the proposed amendments that are implementations of the UVAP and were analyzed under the UVAP EIR and not the General Plan EIR.

Two new zoning districts are proposed to be adopted to implement the UVAP. Chapter 20.086"MUNS" Mixed Use North State District and Chapter 20.087 "MUBST" Mixed Use Brush Street Triangle District implement two land use designations that were established under the UVAP in 2011, Mixed Use North State and Mixed Use Brush Street Triangle. The two new zoning districts are structured like all other zoning districts with permitted uses, density standards, and floor area ratio based upon the UVAP land use designation. The environmental impacts associated with these new zoning districts were considered under the Environmental Impact Report prepared for the UVAP in 2011.This is because the new mixed use zoning districts are consistent with the UVAP land use classifications that they implement and any development allowed by the new zoning would not create any new nor more severe effect on the environment that was not previously considered by the UVAP EIR. A review of the UVAP Mitigation Monitoring and Reporting Plan confirmed that the County's land division, building, and zoning codes and the Ukiah Municipal Airport Land Use Compatibility Plan establish land use and environmental limitations that will reduce any significant environmental effect of mixed use development to a level that is not significant. Consequently, the application of the new mixed use zoning districts within the Mixed Use North State and Mixed Use Brush Street Triangle General land use classification would not create a significant effect on the environment that was not previously considered by the UVAP EIR.

CEQA Guidelines section 15183(a) provides that "*projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*" The two new zoning districts are consistent with the development density established under the Mixed Use North State and Mixed Use Brush Street Triangle land use designations provided for in the UVAP and analyzed under the UVAP EIR. There are no project-specific significant effects which are peculiar to the adoption of these two new zoning districts.

## 3.2 "SUBSTANTIAL CHANGES IN THE CIRCUMSTANCES" STANDARD

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this section presents a discussion of whether changes to the project site or the vicinity have occurred subsequent to the certification of the UVAP EIR that would result in new significant impacts or a substantial increase in the severity of a previously identified significant impact.

The physical or environmental setting within Ukiah Valley have not substantially changed since the UVAP EIR was certified in 2011. No substantial changes have occurred in the Ukiah Valley that were not previously considered under the UVAP EIR. Development in the region has occurred at a slower pace than anticipated in the UVAP EIR. Based on the environmental baseline identified in the UVAP EIR, the physical changes to the Ukiah Valley that have occurred are consistent with the analysis of the UVAP EIR and the cumulative projects considered in the UVAP EIR. There have been no substantial changes in the circumstances considered in the UVAP EIR.

Further, CEQA Guidelines section 15183(a) provides that "*projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*" The two new zoning districts are consistent with the development density established under the Mixed Use North State and Mixed Use Brush Street Triangle land use designations provided for in the UVAP and analyzed under the UVAP EIR. There are no project-specific significant effects which are peculiar to the adoption of these two new zoning districts.

## 3.3 "NEW INFORMATION OF SUBSTANTIAL IMPORTANCE" STANDARD

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this section includes a discussion of whether the Modified Project would result in new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. New information of substantial importance includes: (1) one or more significant effects not discussed in the previous EIR; (2) significant effects previously examined that are substantially more severe than shown in the previous EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR and that would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No new information of substantial importance has been identified that was not known or could have been known at the time of certification of the previous EIR that shows the zoning code update will have one or more significant effects not discussed in the previous EIR. As discussed in the subsequent section, no significant effects previously examined are substantially more severe than shown in the previous EIR. The Mendocino County Board of Supervisors determined all mitigation measures in the Ukiah Valley Area Plan EIR to be feasible and as a result all were adopted as goals, policies, or action items in connection with the Ukiah Valley Area Plan. No new mitigation measures are recommended.

## 3.4 ENVIRONMENTAL REVIEW

The Mitigation Monitoring and Report Program adopted for the UVAP EIR identifies Mitigation Measures in the following potential impact categories: Land Use, Geology and Soils, Hydrology and Water Quality, Biological Resources, Cultural Resources, Traffic and Circulation, Air Quality, Noise, Aesthetics, Public Services and Infrastructure, Hazards and Hazardous Materials, Energy, and Global Climate Change.

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Land Use Mitigation Measures OC3.1-a, OC3.1b, OC3.3c, and LU4.1a were adopted in response to the potential impact of conversion of farmland and prime agricultural soils to non-agricultural uses. The two proposed zoning districts are not proposed to be applied to any individual parcels as part of this zoning code amendment and do not convert farmland and prime agricultural soils to non-agricultural uses. Should properties be rezoned into the new zoning districts, analysis will occur at that time to determine if any potential loss of farmland or agricultural soils would occur. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land us classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Land Use Mitigation Measures OC3.4a, OC3.4b, and OC3.4d were adopted in response to the potential impact that the UVAP could result in conflicts between agricultural uses and Williamson Act contracts. The two proposed zoning districts are not proposed to be applied to any individual parcels as part of this zoning code amendment. Should properties be rezoned into the new zoning districts, analysis will occur at that time to determine if potential conflicts would occur. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land us classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Land Use Mitigation Measure LU7.1d solely applies to new commercial retail development over 100,000 square feet in size when proposed. The two proposed zoning districts are not proposed to be applied to any individual parcels as part of this zoning code amendment. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land us classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications.

Mitigation measures applicable to Geology and Soils apply at the time of approval of future discretionary projects. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Mitigation measures applicable to Hydrology and Water Quality are primarily concerned with properties located within flood zone areas and the potential for development to occur in these areas. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land us classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Biological Resource Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts do not alter any existing protections for biological resources including wetlands, oak woodlands, sensitive biotic communities, or any other "sensitive resources". The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land us classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Cultural Resource Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts do not alter any existing protections or requirements for cultural resources. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The

proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Traffic and Circulation Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts do not alter any existing policies or standards for transportation or circulation related issues. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Air Quality Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Noise Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Aesthetics Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Mitigation Measures applicable to Public Services and Infrastructure will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Mitigation Measures applicable to Hazards and Hazardous Materials will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Energy Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

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Global Climate Change Mitigation Measures will not be impacted by the proposed new zoning districts. The proposed new zoning districts implement the Mixed Use North State and Mixed Use Brush Street Triangle land use classifications established under the UVAP and analyzed under the UVAP EIR. The proposed new zoning districts are consistent with the land use classifications. No new mitigation measures are necessary as a result of the proposed new zoning districts as all potential impacts were previously analyzed under the UVAP EIR.

Further, CEQA Guidelines section 15183(a) provides that "*projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*" The two new zoning districts are consistent with the development density established under the Mixed Use North State and Mixed Use Brush Street Triangle land use designations provided for in the UVAP and analyzed under the UVAP EIR. There are no project-specific significant effects which are peculiar to the adoption of these two new zoning districts.