

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908

RECORD PACKET COPY



W14b

DATE: October 28, 2005

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert S. Merrill, District Manager
Ruby Pap, Coastal Planner

SUBJECT: **COUNTY OF MENDOCINO LCP AMENDMENT NO. MEN-MAJ-2-99 (HOME OCCUPATIONS AND COTTAGE INDUSTRIES):**
Concurrence with the Executive Director's determination that the action of the County of Mendocino accepting the Commission's certification of LCP Amendment No. MEN-MAJ-2-99 and adopting implementing ordinances is legally adequate (For Commission review at the meeting of November 16 in Los Angeles).

A. BACKGROUND:

The Commission acted on County of Mendocino LCP Amendment No. MEN-MAJ-2-99 (Home Occupations and Cottage Industries) on May 13, 2005. The amendment to the County's certified Land Use Plan and Implementation Plan (zoning code) would change provisions regarding Home Occupations and Cottage Industries to increase the numbers of allowable employees, change space limits, allow additional business types, increase allowable retail sales, and make associated changes. The amendment would (1) amend the LUP regarding standards for Home Occupations and standards and use types for Cottage Industries; (2) Amend the Implementation Plan, Mendocino County Code, Title 20, Division II (Coastal Zoning) Chapters 20.448 Home Occupations and 20.452 Cottage Industries standards and use types; and (3) amend other sections of the Coastal Zoning Code including adding a "Mail Order Businesses" use type and adding it to Commercial (C) and Industrial (I) districts, revising the "Custom Manufacturing: Light Industrial" use type and adding it to the Commercial district, and adding an "Off-site Service Providers" definition.

**COUNTY OF MENDOCINO LCP AMENDMENT NO. MEN-MAJ-2-99
(HOME OCCUPATIONS AND COTTAGE INDUSTRIES)
CERTIFICATION REVIEW
PAGE 2**

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with three suggested modifications. The suggested modifications add language to the section of the LUP describing Home Occupations and the associated IP, which clarify that coastal development permits would be required for all home occupation activities that are "development" as defined by the LCP; and adds language to the narrative in the opening paragraph of the IP section titled "Examples of Uses That Frequently Qualify as Home Occupations" to state that home occupations are limited to those uses that are customarily conducted within the home and clearly incidental to its residential use.

B. EFFECTIVE CERTIFICATION:

On August 30th, 2005, the Mendocino County Board of Supervisors held a public hearing and adopted Resolution No. 05-153 and Ordinance No. 4149 which acknowledge receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's LUP and Implementation Program (see Exhibit Nos. 2 & 3).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Mendocino County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the Mendocino County LCP Amendment No. MEN-MAJ-2-99 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Mendocino to accept the Commission's certification of County of Mendocino's LCP Amendment No. MEN-MAJ-2-99 and adopt the necessary changes to the County's LUP and Implementation Program are legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

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November __, 2005

Raymond Hall, Director
Department of Planning and Building Services
County of Mendocino
501 Low Gap Road
Room 1440
Ukiah, CA 95482

SUBJECT: Effective Certification of County of Mendocino LCP Amendment No.
MEN-MAJ-2-99 (Home Occupations and Cottage Industries).

Dear Mr. Hall:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 05-153 and Ordinance No. 4149 for effective certification of County of Mendocino LCP Amendment No. MEN-MAJ-2-99 (Home Occupations and Cottage Industries). The County's resolution and ordinance indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of November 16, 2005 in Los Angeles. Commission approval and the amendment process are now complete. If you have any questions, please contact Ruby Pap in our San Francisco office at (415) 904-5260 or rpap@coastal.ca.gov.

Sincerely,

ROBERT S. MERRILL
District Manager

EXHIBIT 1

RESOLUTION NO. 05-153

RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY

(#GP 23-98; MENDOCINO COUNTY; #GP 10-98 AND #GP 14-98: MENDOCINO REDWOOD CORPORATION, LLC/BOSK/CATTALINI; #GP 5-2003: POINT CABRILLO LIGHTKEEPERS ASSOCIATION AND CALIFORNIA DEPARTMENT OF PARKS AND RECREATION; AND #GP 1-02: WESTPORT CEMETERY DISTRICT/MENDOCINO COUNTY)

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended, and

WHEREAS, the Coastal Commission has held a public hearing on the requested amendment and has adopted a Resolution certifying the proposed amendment, being part of LCP Amendment Number MEN-MAJ-2-99, Part A of MEN-MAJ-1-04, and Part D of MEN-MAJ-1-02, all being subject to the Suggested Modifications incorporated herein, and further being Parts B and C of LCP Amendment Number MEN-MAJ-1-04, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment, and has determined that the Local Coastal Program should be amended, and accepts and agrees to said Suggested Modifications.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts the amendments to the Local Coastal Program listed below and as shown and described on the attached exhibits:

GP 23-98 - EXHIBIT A (text)
GP 10-98 - EXHIBIT B
GP 14-98 - EXHIBIT C
GP 1-02 - EXHIBIT D
GP 5-03 - EXHIBIT E
GP 5-03 - EXHIBIT F (text)

EXHIBIT NO. 2
LCP AMENDMENT NO.
MEN-MAJ-2-99 Home Occupations & Cottage Industries Resolution Accepting Comm. Cert. & Suggested Modifications (Page 1 of 13)

BE IT FURTHER RESOLVED, that the County agrees to issue coastal development permits subject to the amended Local Coastal Program and to carry out the Local Coastal Program in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that Mendocino County Department of Planning and Building Services staff is directed to transmit the adopted amendments to the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Colfax, seconded by Supervisor Wattenburger and carried this 30th day of August, 2005 by the following roll call vote:

AYES: Wattenburger, Wagenet, Smith, Colfax, and Delbar
NOES:
ABSENT:

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



Chairman, Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

By: Kristi Furman

CASE#: #GP 23-98, GP 10-98 AND #GP 14-98, #GP 5-03, #GP 1-02
OWNERS: MENDOCINO REDWOOD CORPORATION, LLC., CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, WESTPORT CEMETERY DISTRICT

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

KRISTI FURMAN
Clerk of the Board

By: Kristi Furman

I hereby certify that this is a correct copy of the original on file in this office.

ATTEST:

KRISTI FURMAN Clerk of the Board of Supervisors of the County of Mendocino, State of California

By: Kristi Furman

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EXHIBIT A

COASTAL PLAN AMENDMENT #GP 23-98 REGARDING HOME OCCUPATIONS AND COTTAGE INDUSTRIES

The Land Use Plan, Section 2.2, Home Occupations and Cottage Industries, is amended to read:

HOME OCCUPATIONS

It is the intent of this section to provide for an accessory use within a dwelling unit or accessory building(s) for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be clearly incidental and secondary to the use of the property dwelling for residential purposes and must not change the character thereof or adversely affect the residential or rural nature of its surroundings. When a use is a home occupation it means that the owner, lessee or other persons who have a legal right to use the dwelling also have the right to conduct the home occupation without securing a use permit to do so. However, such ~~person~~ use shall be subject to all applicable policies of this element and to all other permits required under county code, such as building permits, ~~and~~ business licenses, and coastal development permits, where the use constitutes "development" as defined in the Glossary and Coastal Zoning Code Section 20.308.035(D). A home occupation is a principal permitted use in any land use classification where a dwelling exists. The following represent the minimum standards for home occupations:

~~The Mendocino County Code Section 20, Article XXXVIII should be updated through the public hearing process within 24 months of LCP adoption, to encourage individuals to provide self employment in their own homes. The concept of a "rural home occupation" definition should be considered. "Performance" standards should be considered.~~

Specific Standards:

- A. ~~No person other than members of the family residing on the premises shall be engaged in such occupation~~ the home occupation, except that one (1) employee shall be permitted when the property on which the home occupation is located is a minimum of forty thousand (40,000) square feet.
- B. ~~The home occupation shall be clearly incidental and subordinate to the use of the dwelling unit premises for residential purposes and that not more than 25 percent of the floor area of the dwelling unit shall be used for such occupation. Use of an accessory building or garage for the purpose of conducting a home occupation shall be prohibited. The total area used for the home occupation shall not exceed six hundred forty (640) square feet. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises.~~
- C. ~~There shall be no changes, resulting from the home occupation; The home occupation shall not result in any change in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation, other than one (1) nonilluminated sign not exceeding two (2) square feet of area, non illuminated and attached flat to the main structure or visible through a window.~~

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- D. ~~No merchandise (except articles produced on the premises) shall be sold or displayed on the premises. The sale of merchandise not produced on the premises (except mail order businesses) shall be clearly incidental and accessory to the merchandise or service produced by the home occupation, and shall not be advertised in any manner.~~
- E. Not more than ten (10) customers or clients shall come to the ~~dwelling unit~~ premises for service or products during any one day.
- F. Home occupations shall not involve the use of heavy commercial vehicles for delivery of materials to or from the premises.
- G. No mechanical or electrical equipment shall be employed other than machinery or equipment ~~customarily found in the home associated with a hobby or a vocation, typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of a dwelling unit.~~
- H. ~~No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, dust, odors, smoke or electrical interference, detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.~~

COTTAGE INDUSTRIES

It is the intent of this use to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as Cottage Industries.

Cottage Industries are permitted upon issuance of a conditional use permit. A use permit for a Cottage Industry may be granted for an unlimited period of years, unless it is determined that a shorter period is more appropriate to insure conformance with the intent and standards of this section or other applicable requirements. The following uses listed and other uses which have a similar impact or lesser impact may be considered through the conditional use permit process.

~~The General Standards, Specific Standards, and Permitted Uses of Cottage Industries should be updated within 24 months of LCP adoption through the public hearing process. "Performance" standards and a "rural cottage industries" definition should be considered, to encourage employment and to recognize the differences of individual situations.~~

General Standards:

- A. The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- B. The use shall be environmentally compatible with the project site and region.

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- C. No additional service demands will be created by the use.

Specific Standards:

Cottage Industries shall conform to the following minimum requirements:

- A. Not more than ~~one (1)~~ two (2) outside persons may be employed on the premises in addition to the members of the family residing on the premises.
- B. The Cottage Industry shall be ~~a secondary use~~ clearly incidental and subordinate to the residential use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the Cottage Industry. ~~Multiple uses may be permitted within a Cottage Industry. Such industry or equipment and storage related thereto should not be located within fifty (50) feet of any property line, excluding buildings constructed prior to the adoption of this plan.~~
- C. Multiple uses are permitted within the Cottage Industry. The total area occupied by all uses within the Cottage Industry, including storage, shall not exceed one thousand (1,000) square feet. No Cottage Industry permitted pursuant to this subsection may occupy more than 640 square feet of area within any building or buildings on the same parcel.
- D. No on-premise signs are allowed except as provided by home occupations. All aspects of the Cottage Industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials, products or vehicles as specifically provided by the use permit. There shall be no other change in the outside appearance of the building or premises, except one (1) non-illuminated sign not exceeding four (4) square feet.
- E. No merchandise The sale of merchandise not produced on the premises (except mail order businesses articles produced on the premises or those items necessary for repair work in the automotive and equipment repair services, consumer use types and specialty shops) shall be sold or displayed on the premises. shall be incidental and accessory to the merchandise or service produced by the Cottage Industry, and shall not be advertised in any manner.
- F. Not more than ten (10) customers or clients shall come to the ~~dwelling unit~~ premises for service or products during any one (1) day. ~~Not more than one vehicle may be parked on the premises or a street adjacent thereto while awaiting or undergoing repair, or awaiting removal after repair.~~
- G. The use and parking of large vehicles and construction equipment (including but not limited to (such as trucks of over one (1) ton rating) or vehicles being repaired shall be regulated by the use permit. Not more than one (1) vehicle for servicing may be parked in public view. , tractor, bulldozer, backhoe, skip loader, well drilling rig, cement mixer, roller, welder, air compressor, forklift, or grader) shall not be operated, maintained, or parked in connection with a Cottage Industry except to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.

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- H. ~~Noise generation from within the site shall not exceed 65 dba at the nearest off-site residence. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the one or two-family residential standards in Appendix B at the property line.~~

Examples of Uses Permitted Upon Securing a Use Permit:

- A. The following are examples of conditional uses that may be permitted in the Rural Residential, Remote Residential, Suburban Residential; and Rural Village ~~and Fishing Village~~ land use classifications:

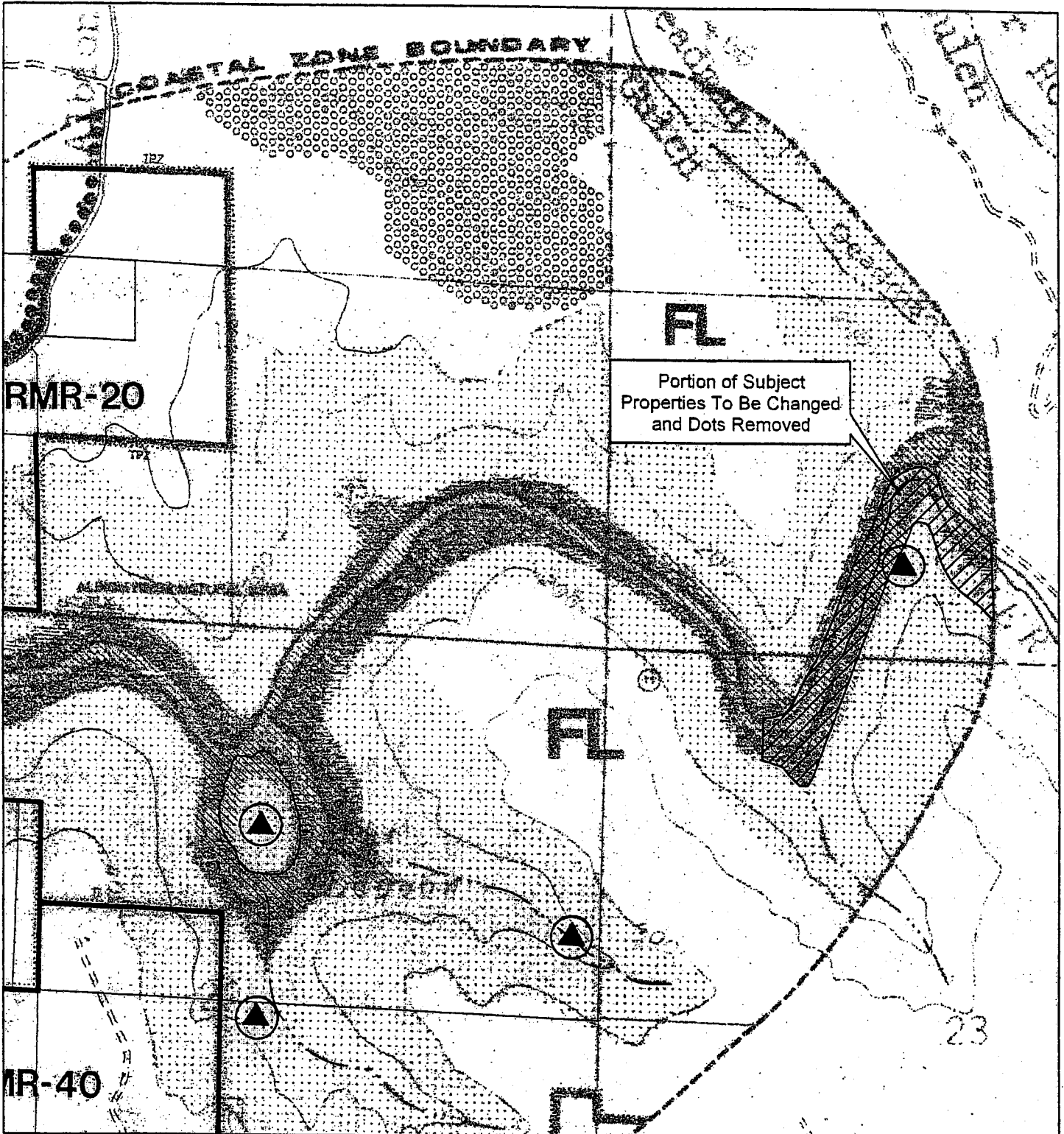
Administrative and Business Offices
Animal Sales and Services: Household Pets
Automotive and Equipment: Light (Excluding SR)
Building Maintenance Services
Business Equipment Sales and Services
Food and Beverage Preparation: Without Consumption
Horticulture
~~Laundry Services~~
Mail Order Businesses
Medical Services
~~Personal Improvement Services~~
Personal Services
Repair Services, Consumer
~~Research Services~~
Custom Manufacturing: Light Industrial ~~and Repairs~~
~~Specialty Shops~~

- B. The following are examples of conditional uses that may be permitted in Rangeland, Range Lands Agriculture Agricultural, and Forest Lands and Timber Production land use classifications:

Administrative and Business Offices
Agricultural Sales and Services
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Animal Sales and Services: Veterinary (Large Animals)
Automotive and Equipment: Light
Automotive and Equipment: Heavy
Building Maintenance Services
Business Equipment Sales and Services
Food and Beverage Preparation: Without Consumption
~~Laundry Services~~
Mail Order Businesses
~~Personal Improvement Services~~
Personal Services
Repair Services: Consumer
Custom Manufacturing: Light Industrial
Packing and Processing (All types)

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EXHIBIT B



COASTAL PLAN LAND USE MAP No. 18
CHANGE FROM FL to 0S and Remove TPZ "Dots"

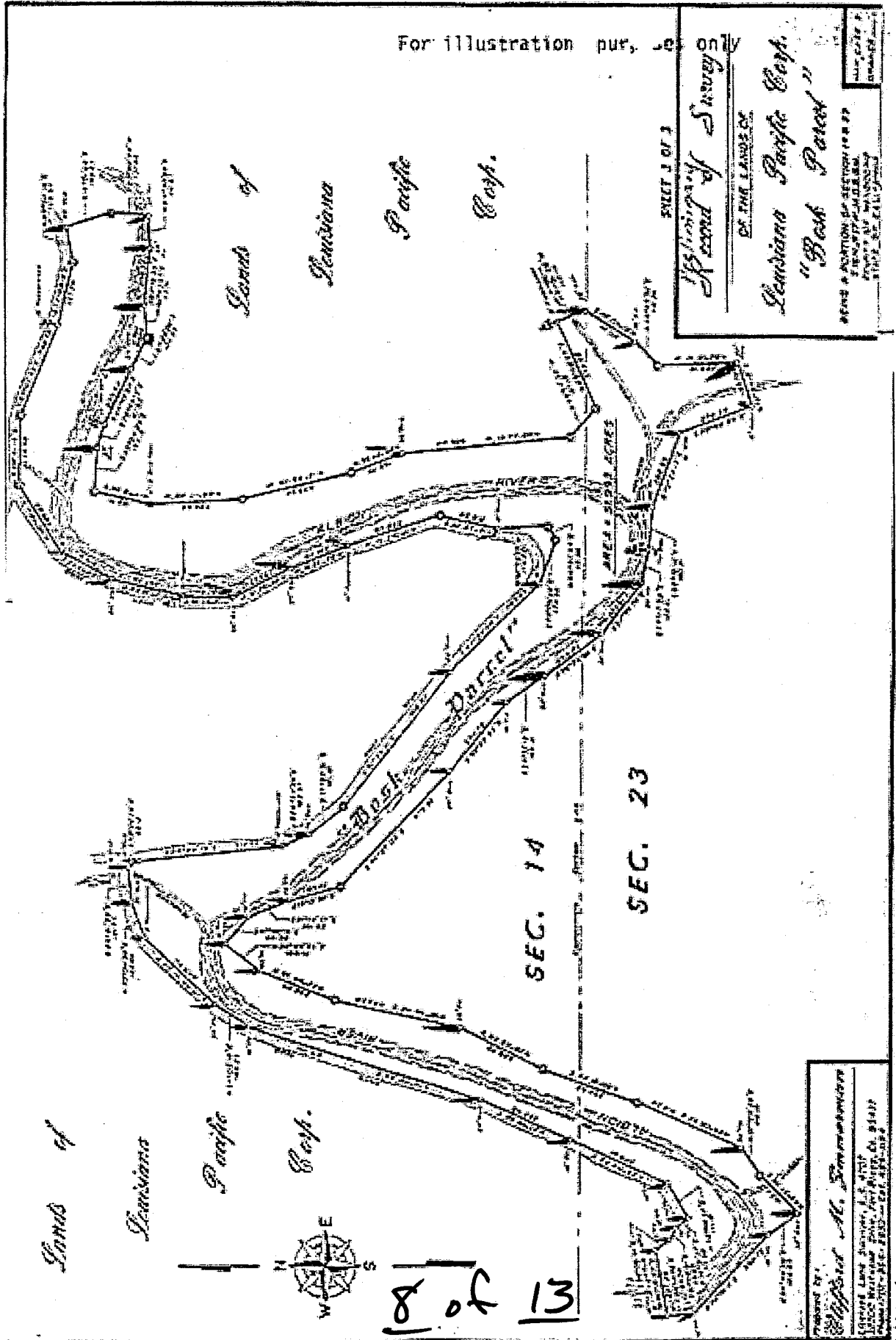
OWNER: MENDOCINO REDWOOD COMPANY
APPLICANT: MENDOCINO REDWOOD COMPANY & BOSKI
CASE #: GP 10-1998
APNs: Portion of 123-110-07 & 121-080-15

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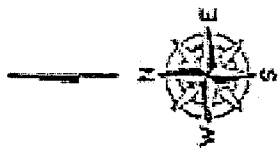
Not To Scale



For illustration pur, see only



Lands of
Louisiana
Pacific
Corp.



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SEC. 14

SEC. 23

SHEET 3 OF 3

A record of Survey only

Louisiana Pacific Corp.

"Bosch Durckel"

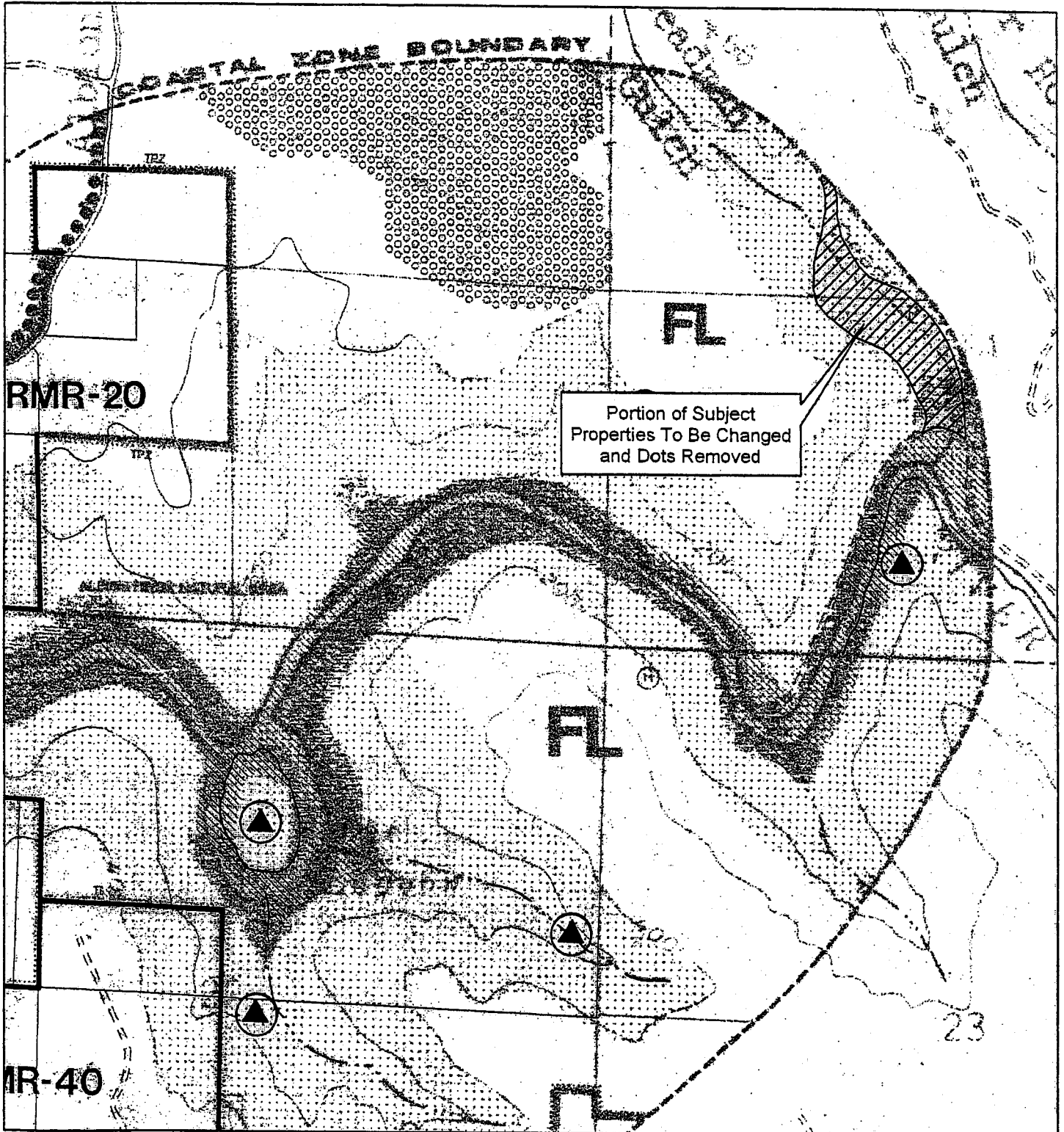
SEEDS & PORTIONS OF SECTIONS 14 & 23
TOWNSHIP 14 NORTH
RANGE 14 WEST
COUNTY OF WASHINGTON
STATE OF CALIFORNIA

Prepared by:

Edward M. Zimmerman

License No. 10000, State of California
Professional Engineer, License No. 10000
San Francisco, California


EXHIBIT C



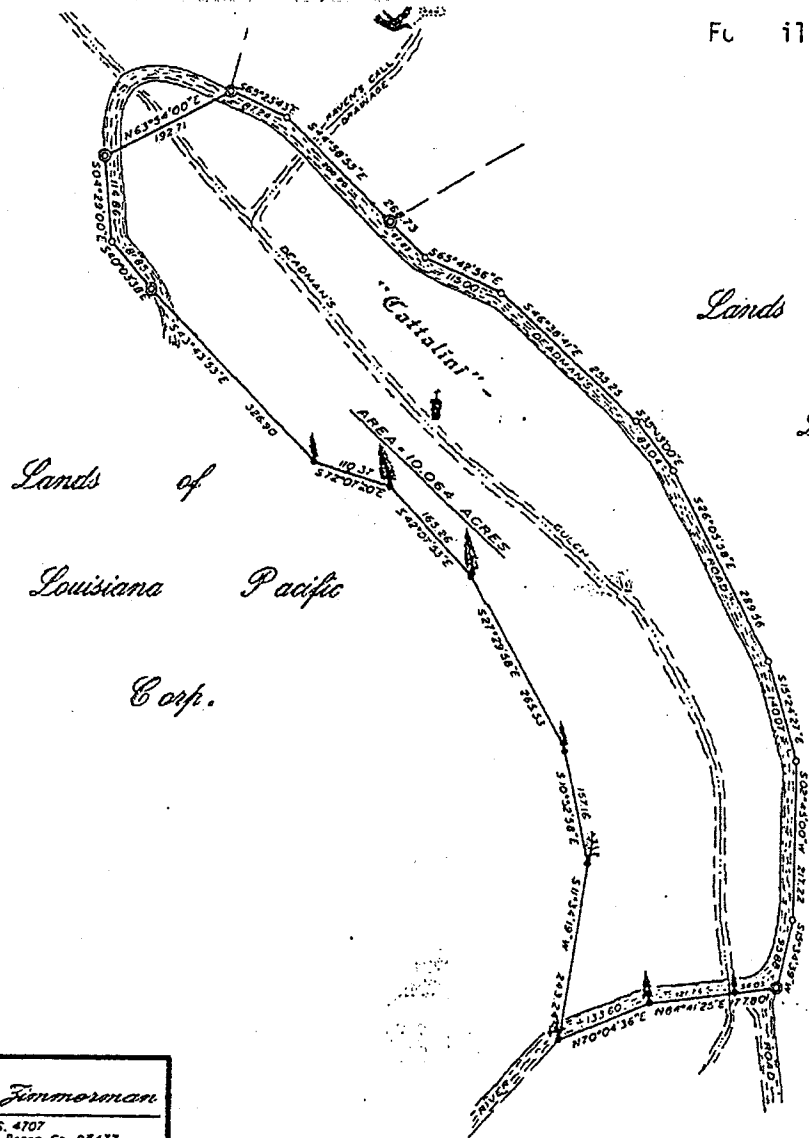
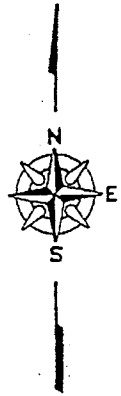
**COASTAL PLAN LAND USE MAP No. 18
CHANGE FROM FL to OS and Remove TPZ "Dots"**

OWNER: MENDOCINO REDWOOD COMPANY
APPLICANT: MENDOCINO REDWOOD COMPANY & CATTALINI
CASE #: GP 14-1998
APNs: Portion of 123-080-14 & 121-080-15

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Not To Scale 

For illustration purposes only



Lands of
Louisiana Pacific
Corp.

Lands of
Louisiana Pacific
Corp.

"Deadman's Gulch"

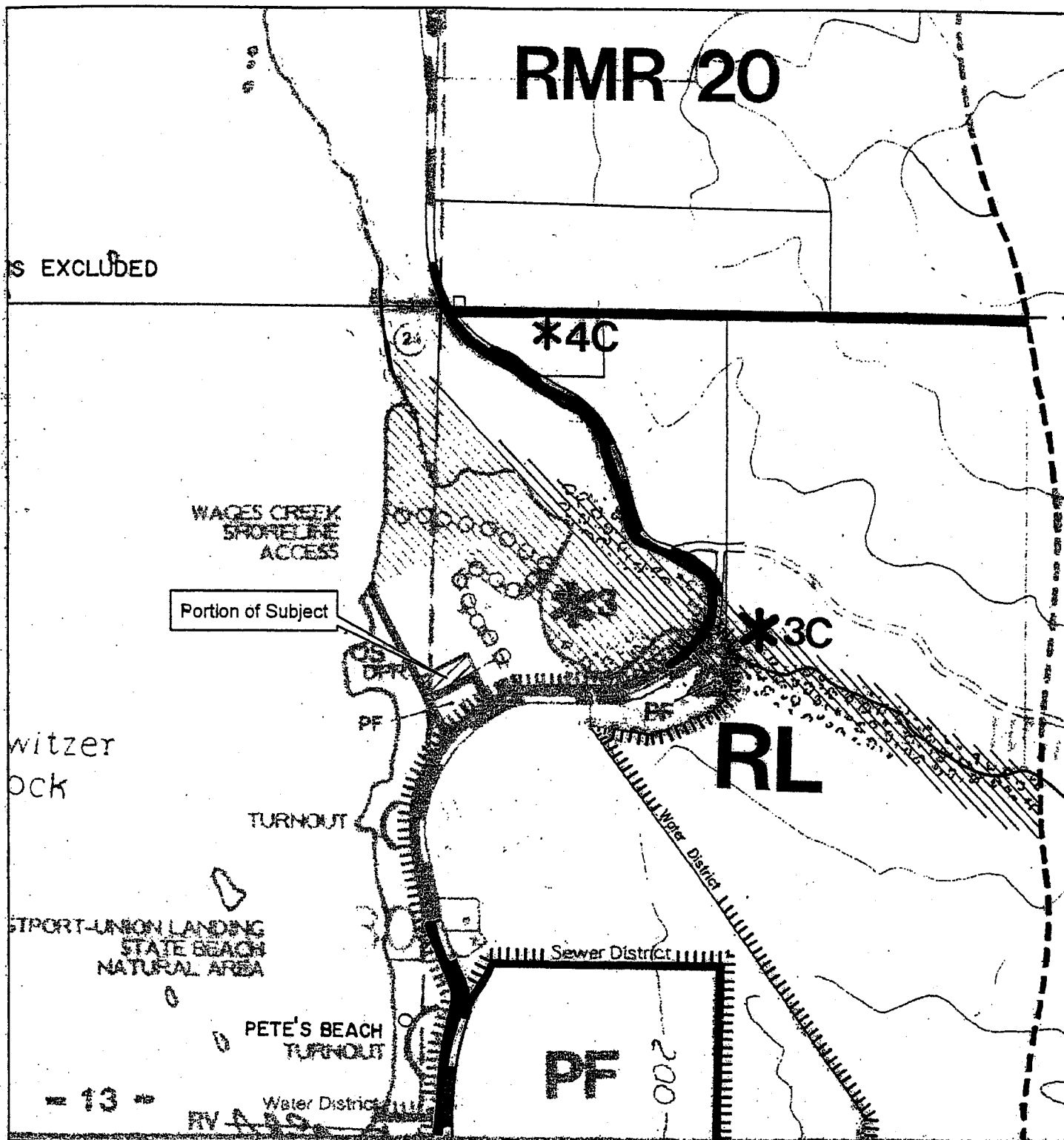
SHEET 2 OF 3

Record of Survey
OF THE LANDS OF
Louisiana Pacific &
"Cattalini" Parcel
BEING A PORTION OF SECTION 14
T.16N., R.17W., M.D.D. 64
COUNTY OF MENDOCINO
STATE OF CALIFORNIA

Surveyed by:
Hford M. Zimmerman
Professional Land Surveyor, L.S. 4707
1 Westwood Drive, Fort Bragg, Ca. 93437
707-964-8630 - Cal. 469-1194

PRELIMINARY CC

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COASTAL PLAN LAND USE MAP No. 7

 AMENDED FROM RMR20 TO PF

WESTPORT CEMETERY DISTRICT
GP 1-2002

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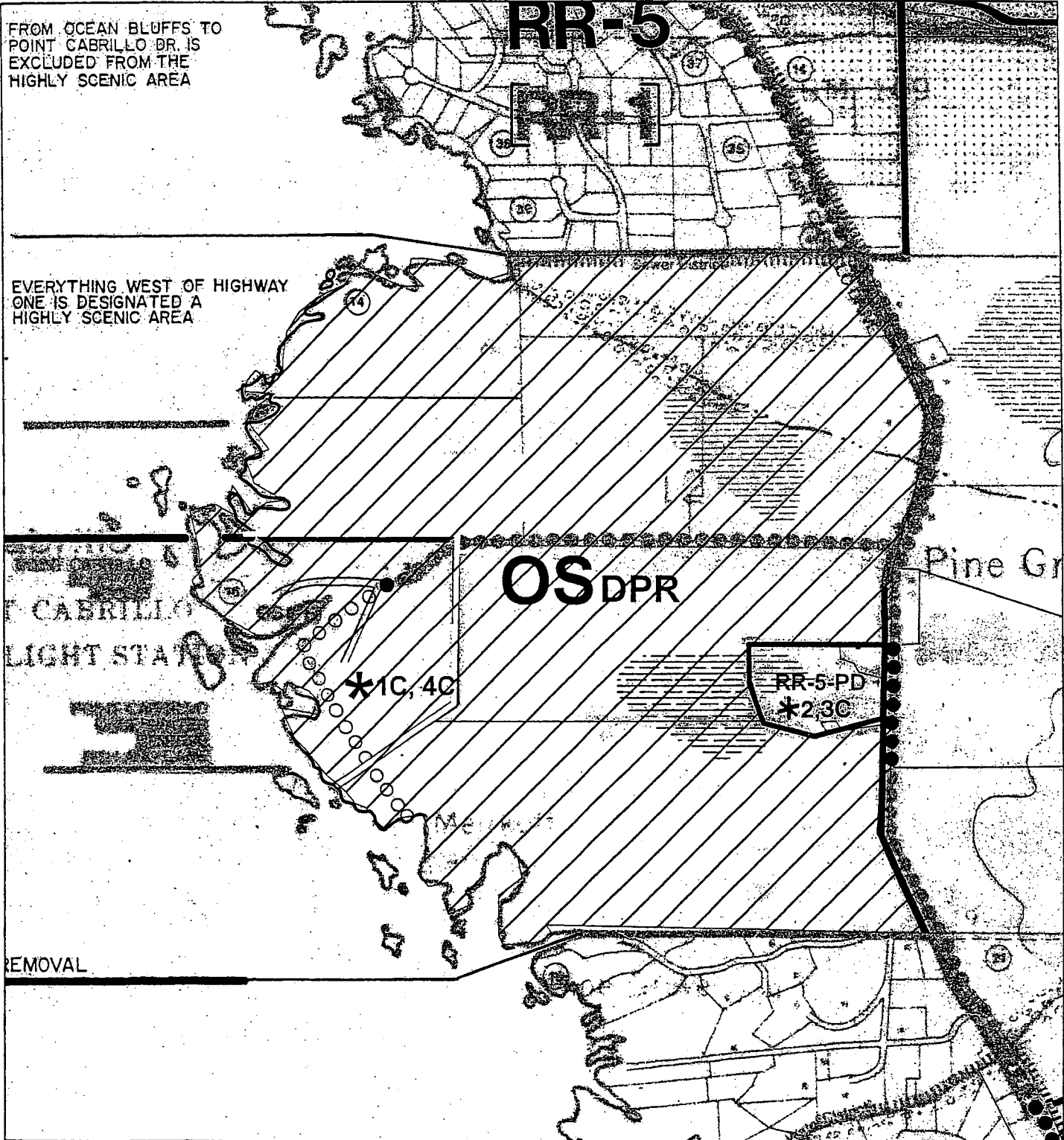
Not To Scale



EXHIBIT E

FROM OCEAN BLUFFS TO
POINT CABRILLO DR. IS
EXCLUDED FROM THE
HIGHLY SCENIC AREA

EVERYTHING WEST OF HIGHWAY
ONE IS DESIGNATED A
HIGHLY SCENIC AREA



COASTAL ZONE LAND USE MAP No. 15

CHANGE FROM OS(PF) TO OSDPR (*1C, *4C) AND RR:L-5-PD TO OSDPR

OWNER: DEPARTMENT OF PARKS AND RECREATION

CASE #: GP 5-2003

APNs: 118-160-03, 24, 25, 26, 27, 28 & 118-140-29, 30, 41, 42, 43, 44

Not To Scale

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EXHIBIT F

The following text change is made to the Visitor Accommodations list at the end of the Local Coastal Plan Land Use Plan, Section 4.6:

Four sites have been designated for conditional uses. They are located at Russian Gulch State Park, south of Jug Handle Farm, the Point Cabrillo Cottages and Campground and the Point Cabrillo Lighthouse property owned by the Department of Parks and Recreation. In addition, several visitor services are located in the Rural Village of Caspar, but have not been designated on the land use map.

The following text changes are made to Policy 4.6-10 and Policy 3.7-7 of the Local Coastal Plan:

Policy 4.6-10: The use of this 300 acres should remain public. Any proposed closure or other restriction on use of the site for public access and recreation, including those arising from the sale or transfer of the property, may require an LCP amendment and would constitute development requiring a coastal development permit. A State of California Marine Preserve is located along the western shore of the Point Cabrillo Light Station and Nature Preserve prohibiting any recreational or commercial fishing, diving, or swimming in these areas.

Policy 3.7-7: Within two (2) years of the certification of the Local Coastal Plan the State Department of Parks and Recreation shall develop a comprehensive land use plan and management program to their lands on the Mendocino Coast prior to any additional development or relinquishment of DPR lands. Such plan shall include a tree removal program on all Department of Parks and Recreation lands where so designated on the LUP Maps. Exempted from this requirement for a development plan is any development necessary to ensure the health and safety of the general public. Exempt from the requirement for a comprehensive land use plan and management program is the repair, replacement, or rehabilitation of existing facilities at the 30.5-acre Point Cabrillo Light Station, including the establishment of visitor accommodations and services within existing structures.

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ORDINANCE NO. 4149

**AN ORDINANCE AMENDING DIVISION II OF TITLE 20 OF THE MENDOCINO COUNTY
 CODE – MENDOCINO COUNTY COASTAL ZONING CODE**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 20.308.030 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.308.030 Definitions (C).

- (A) "Camp" means an open-air location where people temporarily inhabit tents, cabins, travel trailers or other such shelters.
 - (B) "Camping Area" means any area or tract of land where camping is a permitted use.
 - (C) "Camping Area, Incidental" means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or power development purposes and where one (1) or more campsites used for camping are rented, leased or held out for rent or lease.
 - (D) "Clinic" means any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons or animals not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.
 - (E) "Cluster" means the grouping of dwellings on parcels in suitable areas so as to insure the preservation of the valuable site resources as opposed to even dispersal over the project area.
 - (F) "Coastal-Dependent Development or Use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.
-
- (G) "Coastal Development Permit" means a permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the Public Resources Code and:
 - (1) Has been issued by the Coastal Commission, or
 - (2) Has been issued pursuant to Chapter 20.532 of this Division.
 - (H) "Coastal High Hazard Area" means the area subject to high velocity waters, including but not limited to coastal and tidal inundation or tsunamis. The area is designated on a Federal Insurance Rate Map (FIRM) as Zone V and V1-30.

- (I) "Coastal Marine Ecosystem" means that area in the tidal zone and seaward containing a delicately balanced environmental system which provides a suitable habitat for local indigenous and migrating species, including all life forms.
- (J) "Coastal Permit Administrator" means the Planning and Building Services Director or designated representative who shall have the authority to administer the coastal development process and to render decisions on administrative permits and variances as provided in this Division.
- (K) "Combining District" means a zoning district established by this Division which may be applied to a lot or portion thereof only in combination with a base zoning district.
- (L) "Conditional Use" means a use which may be allowed on a conditional and discretionary basis, subject to securing a conditional permit and also subject to applicable provisions of this Division, and which is a development that is appealable to the Coastal Commission.
- (M) "Conservation Easement" means a legally drafted and recorded document between a landowner and the county, land trust, or other qualified organization in which the owner places certain restrictions over all or portions of his/her land or structure in perpetuity or for a specified period of time to retain it in a predominantly natural, scenic, agricultural or other open space condition. Except for the specific restrictions contained in the easement document, the owner retains all other rights in the property. The easement stays with the land and is therefore legally binding on present and future owners.
- (N) "Construction" means the placement of construction materials in their permanent position and fastened in a permanent manner.
- (O) Corner Lot. See Lot, Corner.
- (P) "Cottage Industry" means a small scale business operated in or around a residential use and which complies with Chapter 20.452.
- (Q) "Cumulative Impacts" refers to two (2) or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(1) The individual effects may be changes resulting from a single project or a number of separate projects.

(2) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

- (R) "Custom Manufacturing" means the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the types or

specifications found in a home shop, or using equipment or processes which do not create noise, dust, fumes, visual impacts or electrical or water use in excess of home shop or hobby equipment, and which may include incidental onsite sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing, wood working shops, printing shops, custom textile manufacturing, or light assembly of components manufactured off-premises.

Section 20.308.055(D) of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.308.055 Definitions (H).

- (A) "Habitable Floor" means any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
- (B) Height of Building. See Building, Height of.
- (C) "Highly Scenic Areas" means areas such as landscape preservation projects designated by the State Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan; (#60, California State Department of Parks and Recreation); and open areas of particular value for preserving natural landforms and significant vegetation, or for providing attractive transitions between natural and urbanized areas; and highly scenic areas as described in Section 30251 of the Coastal Act, in which development shall be subordinate to the character of its setting. Highly scenic areas are designated on the land use maps.
- (D) "Home Occupation" means an occupation which is clearly accessory and incidental to a residential use located on the premises, which is conducted solely by occupants of the dwelling unit, and which is conducted entirely within the dwelling unit or accessory building(s) in a manner which does not change or disturb the residential appearance and character of the site as described in Chapter 20.448.
- (E) "Hospital" means an institution which specializes in giving clinical, and emergency services of a medical or surgical nature to injured persons and which maintains and operates twenty-four (24) hour inpatient services for the diagnosis and treatment of patients.
- (F) "Hostel" means any building or portion thereof or group of buildings containing five (5) or more guest rooms or suites, or providing housekeeping accommodations for five (5) or more transient guests for the purpose of providing low cost public travel accommodations to recreational travelers. The hostel shall provide a kitchen and sanitary facilities for use by transient guests.
- (G) "Hotel" means any building or portion thereof containing five (5) but no more than twenty (20) guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein meals may be provided for compensation or profit to guests occupying

the overnight accommodations. Provision of regular meals to other than transient occupants of the facility shall require a coastal development use permit.

- (H) "Household Pets" means animals or fowl ordinarily permitted in the dwelling area and kept for company or pleasure and not for profit such as dogs, cats, birds, and similar small animals, but not including a sufficient number of animals to constitute a kennel.

Section 20.308.080 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.308.080 Definitions (M).

- (A) "Mail Order Businesses" means the storage, sale and delivery of goods and merchandise produced on or off the premises to retail or wholesale consumers by way of the mails, delivery services, or in any other manner in which visitation to the premises by the wholesale or retail consumers is strictly incidental.
- (B) "Major Public Works and Energy Facilities" means facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30625.
- (C) "Major Vegetation, Removal or Harvesting" shall be defined to include one or more of the following:
- (1) The removal of more than fifteen (15) trees or ten (10) percent of the total number of trees on the parcel, whichever is less, with a diameter of twelve (12) inches or a circumference of thirty-eight (38) inches or more measured at four and one-half (4 1/2) feet vertically above the ground; or
 - (2) The removal of trees within a total contiguous ground area of six thousand (6,000) square feet, or within a noncontiguous area or areas not exceeding a total of six thousand (6,000) square feet measured as the area located directly beneath the tree canopy; or
 - (3) The Planning and Building Services Director may determine that a proposal to remove vegetation constitutes major vegetation removal if the Planning and Building Services Director finds that it may result in a significant impact. In making a finding that the proposed major vegetation removal may result in a significant impact, the Planning and Building Services Director shall review the proposal and determine if any of the following conditions exist or are proposed:
 - (a) The vegetation removal involves the use of heavy equipment, or
 - (b) The vegetation removal is proposed on a steep slope (fifteen (15) percent or greater) and removal of vegetation may result in soil erosion or landslide, or

- (c) The vegetation removal is located within or adjacent to an environmentally sensitive habitat, or
 - (d) The vegetation removal may result in significant exposure of adjacent trees to wind damage, or
 - (e) The vegetation removal may result in significant degradation of the viewshed.
 - (f) The removal of one or more trees which measure twenty-four (24) inches or more in diameter at breast height and which are visually or historically significant, exemplary of their species, or ecologically significant.
- (4) Exempt from this definition would be one or more of the following:
- (a) Removal of trees and other vegetation that have been reviewed and approved in conjunction with an associated development permit; or
 - (b) Removal or harvesting of vegetation for agricultural purposes in areas presently used for agriculture; or
 - (c) Kelp harvesting; or
 - (d) Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
- (D) "Manufactured home" means a structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
- (E) Manufactured Home Park or Subdivision. See Mobile Home Park.
- (F) "Mean Sea Level" means the average height of the sea for all stages of the tide over a nineteen (19) year period, usually determined from hourly height observations on an open coast or in adjacent waters having free access to the sea.
- (G) "Mobile Home" means a transportable structure built on a chassis for movement, and designed to be used as a dwelling without permanent foundation when connected to the required utilities. No such structure shall be deemed to be a mobile home which is less than eight (8) feet wide or forty (40) feet in length.
- (H) "Mobile Home, Converted" means a mobile home, certified under the National Mobile Home Construction and Safety Standards Act of 1974, on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

- (I) "Mobile Home Lot" means an area or tract of land or portion of a mobile home park designated or used for one (1) mobile home.
- (J) "Mobile Home Park" means an area or tract of land where two (2) or more mobile homes are rented or leased or held for rent or lease to accommodate mobile homes for human habitation; provided that mobile home park does not include:
 - (1) Premises on which any trailer coaches are parked for inspection and sale;
 - (2) Premises on which all but one (1) of the trailer coaches are used exclusively for temporary uses pursuant to Temporary Use Regulations in Chapter 20.460;
 - (3) Premises on which all but one of the trailer coaches are used exclusively to provide farm employee housing or as a farm labor camp.
- (K) "Model Home" means an unoccupied dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of one-family, two-family, or multiple dwellings, or a combination thereof.
- (L) "Motel" means any building or portion thereof or group of buildings containing five (5) or more guest rooms or suites where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designated or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.

Section 20.308.090 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.308.090 Definitions (O)

- (A) "Ocean Ranching" means aquaculture where juvenile anadromous fish are reared and released into state waters to grow and return to be harvested commercially.
- (B) "Off-site Service Providers" means businesses where the primary activity is conducted off-premises from the location of the business office or equipment, vehicle, or supply storage. Such business may include but is not limited to contractors, tradespeople, equipment servicers, or instructors.
- (C) Off-Site Sign. See Sign, Off-Site.
- (D) "Onshore facility" as used in Section 20.520.015 means:
 - (1) Pipelines and pipeline facilities: Pipelines, pipeline landfalls and other related methods by which crude oil and gas are transported to crude oil and gas processing and support facilities;

- (2) Storage facilities: Facilities for the purpose of storing crude oil and gas, including tank farms, or storing chemicals, drilling muds, cuttings, produced waters and other toxic materials used in the production of oil and gas products;
 - (3) Staging areas: Facilities, yards and other areas designated for the purpose of transporting equipment to be used in, or personnel employed in, the construction or operation of oil drilling facilities;
 - (4) Waste disposal facilities: Facilities for the purpose of disposing of chemicals, drilling muds, cuttings, produced waters and other toxic materials generated in the course of drilling oil and gas wells, or in the production of oil and gas, or oil and gas products, and permanent facilities designed for waste generated by accidents and spills during any phase of offshore oil and gas development.
- (E) "Open coastal waters" means the open ocean underlying the continental shelf and its associated coast line. Salinities exceed 30 parts per thousand with little or no dilution except opposite mouths of estuaries.
- (F) Open Space. See Chapter 20.340 and Chapter 20.372.
- (G) "Open Space Easement" means an easement established pursuant to Government Code Section 51050 or 51080, or an easement which ensures the retention of land in open space.
- (H) "Organized Camp" means a site with program and facilities established for the primary purpose of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives for five (5) days or more during one (1) or more seasons of the year.
- (I) "Original Jurisdiction" means whichever County body or person has the initial authority to take action for approval, conditional approval, or denial, regardless if that action is appealable or final.
- (J) "Owner, Property" means the person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract or purchase of property, or any person authorized by written instrument to act for the owner.

Section 20.324.093 is added to Chapter 20.324 – Coastal Commercial Use Types of Division II of Title 20 of the Mendocino County Code to read:

Sec. 20.324.093 Mail Order Businesses

Establishments primarily engaged in the storage, sale and delivery of goods and merchandise produced on or off the premises to retail or wholesale consumers by way of the mails, delivery services, or in any other manner in which visitation to the premises by the wholesale or retail consumers is strictly incidental.

Section 20.328.020 of Division II of Title 20 of the Mendocino County Code (Industrial Use Types) is amended to read:

Sec. 20.328.020 Custom Manufacturing: Light Industrial

Establishments primarily engaged in on-site production of individually crafted goods using hand tools or mechanical equipment typical of the types or specifications found in a home shop, or using equipment or processes which do not create noise, dust, fumes, visual impacts or electrical or water use in excess of home shop or hobby equipment, and which may include incidental onsite sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing, woodworking shops, printing shops, custom textile manufacturing, or light assembly of components manufactured off-premises.

Section 20.396.010 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.396.010 Principal Permitted Uses for C Districts.

The following use types are permitted in a C District:

(A) Coastal Commercial Use Types.

Administrative and Business Offices;
Agricultural Sales and Services;
Animal Sales and Services: Household Pets;
Animal Sales and Services: Veterinary (Small Animals);
Automotive and Equipment: Repairs, Light;
Building Maintenance Services;
Business Equipment Sales and Services;
Communications Services;
Eating and Drinking Establishments;
Financial Services;
Food and Beverage Preparation: Without Consumption;
Food and Beverage Retail Sales;
Funeral and Interment Services;
Laundry Services;
Mail Order Businesses;
Medical Services;
Neighborhood Commercial Services;
Personal Services;
Repair Services: Consumer;
Retail Sales: General.

(B) Coastal Industrial Use Types

Custom Manufacturing: Light Industrial

(C) Coastal Open Space Use Types.

Passive Recreation.

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Section 20.400.010 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.400.010 Principal Permitted Uses for I Districts.

The following use types are permitted in an I District:

(A) Coastal Commercial Use Types.

Mail Order Businesses;
Research Services.

(B) Coastal Industrial Use Types.

Coastal-Related Industrial;
Coastal-Dependent Industrial;
Custom Manufacturing: Light Industrial.

(C) Coastal Open Space Use Types.

Passive Recreation.

Section 20.448.005 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.448.005 Declaration

It is the intent of this Chapter to provide for the accessory use of a dwelling unit or accessory building(s) on the same parcel as the dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be conducted by the residents of the dwelling unit, be clearly incidental and secondary to the use of the premises for residential purposes, and must not change the character thereof or adversely affect the residential or rural nature of the property or its surroundings. A use permit is not required to conduct a home occupation, however, such use shall be subject to all applicable regulations of this Division, such as off-street parking, and to all other permits required under county code, such as building permits, business licenses, and coastal development permits, where the use constitutes "development" as defined in the Glossary and Coastal Zoning Code Section 20.308.035(D).

Section 20.448.010 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.448.010 Specific Standards

Home occupations shall conform to the following requirements:

- (A) No person other than members of the family residing on the premises shall be engaged in the home occupation except that one (1) employee shall be permitted

when the property on which the home occupation is located is a minimum of forty thousand (40,000) square feet.

- (B) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The total area used for the home occupation shall not exceed six hundred forty (640) square feet.
- (C) There shall be no change, resulting from the home occupation, in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation, other than one (1) non-illuminated sign not exceeding two (2) square feet of area.
- (D) The sale of merchandise not produced on the premises (except mail order businesses) shall be clearly incidental and accessory to the merchandise or service produced by the home occupation, and shall not be advertised in any manner.
- (E) Not more than ten (10) customers or clients shall come to the premises for services or products during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. Not more than three (3) delivery vehicles shall access the premises each day.
- (F) Home occupations shall not involve the use of heavy commercial vehicles for delivery of materials to or from the premises.
- (G) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of a dwelling unit.
- (H) No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

Section 20.448.015 of Division II of Title 20 of the Mendocino County Code is amended by the amending the introductory paragraph and adding subsections (I), (J) and (K):

Sec. 20.448.015 Examples of Uses That Frequently Qualify as Home Occupations

The following are typical examples of uses which often can be conducted within the limits of the restrictions established in this Division and thereby qualify as Home Occupations. Uses which qualify as Home Occupations are not limited to those named in this paragraph (nor does this listing of a use in this section automatically qualify it as a home occupation). Home occupations shall be limited to uses customarily and appropriately conducted within a dwelling unit, notwithstanding allowances for the conduct of Home Occupations within an accessory building:

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- (A) Artists and sculptors;
- (B) Authors and composers;
- (C) Babysitters;
- (D) Beauticians and barbers, limited to one chair;
- (E) Dressmaking, seamstress and tailors;
- (F) Home crafts, such as model making, rug weaving, lapidary work, or ceramics;
- (G) Repair or fix-it shop for items normally found in or around the home;
- (H) Office facility of an architect, attorney, broker, consultant, dance instructor, doctor, dentist, engineer, instructor in arts and crafts, insurance agent, land or marine surveyor, music instructor, real estate agent, tutor, bookkeeper or accountant;
- (I) Off-site service providers;
- (J) Food and beverage preparation without consumption;
- (K) Mail order businesses.

Section 20.452.020 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.452.020 Specific Standards for Cottage Industries

Cottage Industries shall conform to the following requirements:

- (A) Not more than two (2) outside persons may be employed on the premises in addition to the members of the family residing on the premises.
- (B) The Cottage Industry shall be clearly incidental and subordinate to the residential use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the Cottage Industry.
- (C) Multiple uses are permitted within the Cottage Industry. The total area occupied by all uses within the Cottage Industry, including storage, shall not exceed one thousand (1,000) square feet.
- (D) All aspects of the Cottage Industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials, products or vehicles as specifically provided by the use permit. There shall be no other change in the outside appearance of the building or premises, except one (1) non-illuminated sign not exceeding four (4) square feet.

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- (E) The sale of merchandise not produced on the premises (except mail order businesses) shall be incidental and accessory to the merchandise or service produced by the Cottage Industry, and shall not be advertised in any manner.
- (F) Not more than ten (10) customers or clients shall come to the premises for service or products during any one (1) day. Not more than three (3) delivery vehicles shall access the premises each day.
- (G) The use and parking of large vehicles or construction equipment (such as trucks of over one (1) ton rating) or vehicles being repaired shall be regulated by the use permit. Not more than one (1) vehicle for servicing may be parked in public view.
- (H) No equipment or process used in the Cottage Industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the one or two-family residential standards in Appendix B at the property line.

Section 20.452.025 of Division II of Title 20 of the Mendocino County Code is amended to read:

Sec. 20.452.025 Examples of Uses Permitted Upon Securing a Use Permit.

- (A) The following are examples of use types that may be treated as Cottage Industries and that may be permitted in the Rural Residential, Remote Residential, Suburban Residential and Rural Village Zoning Districts.

Administrative and Business Offices;
 Animal Sales and Services: Household Pets;
 Animal Sales and Services: Veterinary (Large Animals);
 Animal Sales and Services: Veterinary (Small Animals);
 Automotive and Equipment: Repairs, Light (Not allowed in SR);
 Building Maintenance Services;
 Business Equipment Sales and Services;
 Custom Manufacturing: Light Industrial;
 Food and Beverage Preparation: Without Consumption;
 Horticulture;
 Mail Order Businesses;
 Medical Services;
 Personal Services;
 Repair Services: Consumer.

- (B) The following are examples of use types that may be treated as Cottage Industries and that may be permitted in Range Lands, Agricultural, Forest Lands and Timberland Production Zoning Districts:

Administrative and Business Offices;
 Agricultural Sales and Services;
 Animal Sales and Services: Household Pets;
 Animal Sales and Services: Veterinary (Large Animals);

Animal Sales and Services: Veterinary (Small Animals);
 Automotive and Equipment: Repairs, Light;
 Automotive and Equipment: Repairs, Heavy;
 Building Maintenance Services;
 Business Equipment Sales and Services;
 Custom Manufacturing: Light Industrial;
 Food and Beverage Preparation: Without Consumption;
 Mail Order Businesses;
 Packing and Processing: Limited;
 Packing and Processing: General;
 Packing and Processing: Winery;
 Personal Services;
 Repair Services: Consumer.

Appendix B, Exterior Noise Limit Standards, is hereby added to Division II of Title 20 to read:

APPENDIX B

EXTERIOR NOISE LIMIT STANDARDS

(Levels not to be exceeded more than 30 minutes in any hour)

Receiving Land Use Category ^{3,4}	Time Period	Noise Level Standards (dBA) ^{1,2}	
		Rural/Suburban	Urban/Highways ⁵
One and Two Family Residential	10:00 p.m. - 7:00 a.m.	40	50
	7:00 a.m. - 10:00 p.m.	50	60
Multi-Family Public Spaces	10:00 p.m. - 7:00 a.m.	45	55
	7:00 a.m. - 7:00 p.m.	50	60
Limited Commercial Some Multi-Family	10:00 p.m. - 7:00 a.m.		55
	7:00 a.m. - 10:00 p.m.		60
Commercial	10:00 p.m. - 7:00 a.m.		60
	7:00 a.m. - 10:00 p.m.		65
Light Industrial	Any time		70
Heavy Industrial	Any time		75
Adjustments to Noise Level Standard:³			
Duration			
L ₅₀	30 minutes per hour:	Standard	
L ₂₅	15 minutes per hour:	Standard + 5 dB	
L ₀	Maximum permissible level:	Standard + 20 dB	
Character	Tone, whine, screech, hum, or impulsive, hammering, riveting, or music or speech	Standard - 5 dB	
Ambient Level¹	Existing ambient L ₅₀ , L ₂₅ :	Standard + 5 dB	
	Existing ambient L ₀ :	Existing maximum	

Interpretive Footnotes:

1. When an acoustical study demonstrates that the ambient noise level exceed the noise

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- standard, then the ambient noise level becomes the standard.
2. Higher noise levels may be permitted for temporary, short-term or intermittent activities when no sensitive or residential uses will be affected.
 3. County staff shall recommend which receiving land use category applies to a particular project, based on the mix of uses and community noise levels. Industrial noise limits are intended to be applied at the boundary of industrial zones, rather than within industrial areas.
 4. The "rural/suburban" standard should be applied adjacent to noise sensitive uses, such as hospitals or convalescence homes.
 5. "Highways" apply to roads and highways where average daily traffic (ADT) exceeds 10,000.

This ordinance shall become effective 30 days from the date of its adoption and certification by the California Coastal Commission.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 30th day of August, 2005, by the following vote:

AYES Supervisors Wattenburger, Wagenet, Smith, Colfax, and Delbar
 NOES:
 ABSENT:

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.



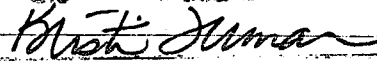
 Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN
 Clerk of said Board

By 

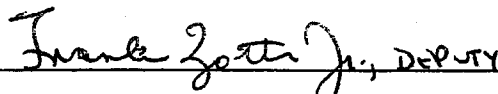
I hereby certify that according to the provisions of Government Code Sections 25106, a copy of this document has been made.

KRISTI FURMAN
 Clerk of the Board



APPROVED AS TO FORM:


JEANINE B. NADEL, COUNTY COUNSEL

By , DEPUTY

The foregoing instrument is a correct copy of the original file in this office.

ATTEST:

KRISTI FURMAN Clerk of the Board of Supervisors of the County of Mendocino, State of California

By: 

Ordinance Amendment #OA 11-98 – Division II of Title 20 – Coastal Zoning Code