



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

JULIA KROG, DIRECTOR
 TELEPHONE: 707-234-6650
 FAX: 707-463-5709
 FB PHONE: 707-964-5379
 FB FAX: 707-961-2427
 pbs@mendocinocounty.org
 www.mendocinocounty.org/pbs

August 11, 2022

Planning – Fort Bragg
 Department of Transportation
 Environmental Health - Ukiah
 Environmental Health – Fort Bragg
 Building Inspection - Ukiah
 Building Inspection - Fort Bragg
 Assessor
 Mendocino County Water Agency
 Airport Land Use Commission
 Caltrans
 Department of Forestry/ CalFire
 -Land Use
 California Department of Fish and Wildlife
 California Coastal Commission
 California Highway Patrol
 Regional Water Quality Control Board

LAFCO
 Laytonville Municipal Advisory Council
 Round Valley Municipal Advisory Council
 Westport Municipal Advisory Council
 Ukiah Municipal Separate Storm Sewer System
 Mendocino Transit Authority
 Cloverdale Rancheria
 Potter Valley Tribe
 Redwood Valley Rancheria
 Round Valley Indian Tribes
 Sherwood Valley Band of Pomo Indians
 Coyote Valley Band of Pomo Indians
 Sherwood Valley Rancheria
 Potter Valley Band of Pomo Indians
 Hopland Band of Pomo Indians
 Noyo River Indian Community

Native American Heritage Commission
 Guidiville Band of Pomo Indians
 Laytonville Rancheria/Cahto Tribe
 Pinoleville Band of Pomo Indians
 Round Valley Reservation/Covelo Indian Community
 Yokayo Band of Pomo Indians
 Inter Tribal Sinkyone Wilderness
 Manchester Band of Pomo Indians
 Eel River Nation of Sovereign Wailaki
 Ukiah Valley Sanitation District
 Elk County Water District
 Laytonville County Water District
 Meadow Estates Mutual Water Company
 Millview County Water District
 Rogina Water Company
 Round Valley Water District

Westport County Water District
 Russian River Flood Control and WCID
 Anderson Valley Fire Department
 Covelo Fire Protection District
 Fort Bragg Rural Fire Protection District
 Long Valley Fire Protection District
 Ukiah Valley Fire Protection District
 Anderson Valley Community Services District
 Covelo Community Services District
 Elk Community Services District
 Anderson Valley Unified School District
 Fort Bragg Unified School District
 Laytonville Unified School District
 Mendocino Unified School District
 Round Valley Unified School District
 Ukiah Unified School District

CASE#: GP_2022-0001
DATE FILED: 3/31/2022

OWNER: VARIOUS

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

REQUEST: Mendocino County seeks to amend its General Plan to address the disadvantaged unincorporated communities that exist within the County as required by California Government Code Section 65302.10(a), and Senate Bill 244.

LOCATION: All unincorporated areas within Mendocino County

STAFF PLANNER: STEVEN SWITZER

RESPONSE DUE DATE: August 25, 2022

PROJECT INFORMATION CAN BE FOUND AT:

www.mendocinocounty.org

Select "Government" from the drop-down; then locate Planning and Building Services/Public Agency Referrals.

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- No comment at this time.
- Recommend conditional approval (attached).
- Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- Recommend denial (Attach reasons for recommending denial).
- Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- Other comments (attach as necessary).

REVIEWED BY:

Signature _____ Department _____ Date _____

GENERAL PLAN AMENDMENT SUMMARY:

#GP 2022-0001 (MENDOCINO COUNTY GENERAL PLAN CHAPTER 3 –DEVELOPMENT ELEMENT, CHAPTER 4 –RESOURCE MANAGEMENT ELEMENT)

GENERAL PLAN AMENDMENT TO UPDATE THE LAND USE ELEMENT, AMENDING AND UPDATING THE DEVELOPMENT AND RESOURCE MANAGEMENT ELEMENTS OF THE GENERAL PLAN WITH THE IDENTIFICATION AND DESCRIPTION OF THE DISADVANTAGED UNINCORPORATED COMMUNITIES THAT EXIST WITHIN THE COUNTY

INTRODUCTION: Mendocino County seeks to amend its General Plan to address the disadvantaged unincorporated communities (DUCs) that exist within the County as required by State Legislation (Section 65302.10(a) of the California Government Code), and Senate Bill (SB) 244. The proposed General Plan Amendment will update the Resource Management Element and the Land Use Element that is integrated into the Development Element of the General Plan to include the identification and analysis of DUCs within County jurisdiction.

Legislative findings in SB 244 provide that hundreds of unincorporated communities in California ranging from remote settlements to neighborhoods just outside of city boundaries and service districts lack basic community infrastructure. Without proper access to potable water, adequate waste processing, stormwater drainage, and structural fire protection these underserved communities are at risk for regional inequities. The intent of SB 244 is to begin to address the complex legal, financial, and political barriers contributing to these infrastructure deficits.

SB 244 defines a DUC as a place that meets the following criteria:

- Contains 10 or more dwelling units in “close proximity” to one another where 12 or more registered voters reside (close proximity is defined as a density greater than 1 unit per acre)
- Is an area either within a city sphere of influence, an island within a city boundary, or geographically isolated and has existed for at least 50 years
- Has a median household income that is 80 percent or less than the statewide median household income

Based on the specified criteria, an analysis of the unincorporated areas of Mendocino County identified ten qualifying areas as DUCs. These ten areas, depicted in Figure 1, are called Bella Shores DUC, Boonville DUC, Cleone DUC, Covelo DUC, Elk DUC, Heeser Addition DUC, Laytonville DUC, Talmage DUC, The Forks DUC, and Westport DUC. The Boonville, Cleone, Elk, Heeser Addition, and Westport DUCs are whole communities included in their respective DUC, while the remaining DUCs are neighborhoods and/or residential areas located within or adjacent to other residential areas that may share the same identifying neighborhood name. Three of the identified DUCs are in the Coastal Zone.

- **Bella Shores DUC** is located south of Fort Bragg, near the central coast of the county, on Highway 1 and near Digger Creek.
- **Boonville DUC** is situated in the southern center portion of the county in Anderson Valley along Highway 128 and near Highway 253.
- **Cleone DUC** is located approximately three miles north of Fort Bragg, adjacent to the Pacific Ocean and transected by Highway 1.
- **Covelo DUC** is located approximately six miles west of the Mendocino National Forest along Highway 162 in the northeast corner of the county.
- **Elk DUC** is located on the coast of Mendocino County approximately 15 miles north of Point Arena along Highway 1.

- **Heeser Addition DUC** is southwest of Fort Bragg by approximately two miles and sits along Highway 20.
- **Laytonville DUC** is located in the northern center of the county along Highway 101 and surrounds a small pond west of the community's commercial neighborhood.
- **Talmage DUC** is situated one mile southwest of Ukiah along Talmage Road and bounded by Mill Creek to the south.
- **The Forks DUC** is located due north of Ukiah and one mile west of Lake Mendocino adjacent to Highway 101.
- **Westport DUC** is situated on the northern coast of Mendocino County approximately 13 miles north of Fort Bragg.

GENERAL PLAN POLICIES: Government Code Section 65302.10(a) requires that on or before the due date for the next adoption of a housing element, each county shall review the land use element of its general plan to identify and describe DUCs within their jurisdiction and outside of city spheres of influence. The Mendocino County Housing Element was adopted on December 10, 2019, by the Mendocino County Board of Supervisors, allowing an eight-year planning cycle to continue through 2027. This Housing Element update triggered State-mandated updates to the General Plan.

As required by State Legislation and Senate Bill (SB) 244, the following components are included in the proposed Development and Resource Management Elements Update to the Mendocino County General Plan. ***Recommended policies and implementation measures are italicized. Integrating these updates will subsequently require a renumbering of items.***

Development Element

Goals

Policy DE-197: Land use plans and development shall minimize impacts to the quality or quantity of drinking water supplies.

Action Item DE-197.1: When reviewing applications for development or land use designation changes (i.e., General Plan amendments, specific plan), the County shall analyze the impacts of the development or proposed land use designation changes on all aspects of infrastructure systems within the County and require mitigation as legally required. This shall include consultation with other service providers who have infrastructure within the County.

Policy DE-200: Emphasize land use compatibility and onsite floodwater retention to prevent or manage flooding.

Action Item DE-200.1: The County shall support and prioritize funding for the implementation of on-site flood control measures in or nearby residential areas subject to flooding. New residential development shall provide flood control measures on-site to prevent or manage flooding.

New Policy: *The County will identify and pursue alternative funding sources, including grant funding, that can be used for capital improvement project construction, staffing, and ongoing maintenance of public improvements.*

New Policy: *The County shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The County shall not approve new development where existing facilities are inadequate to support the project, unless the applicant can demonstrate that all necessary public facilities (including water, sewer, storm drainage, transportation, police, and fire protection services) will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other means).*

Action Item: *The County shall require development proposals to include plans for development and financing of public facilities and services.*

Action Item: New subdivisions, PUDs, and other large development projects (e.g., residential projects over 20 units, commercial/office/industrial projects over 10,000 sq. ft.) shall demonstrate that adequate water, fire flow, wastewater collection, wastewater treatment/disposal, and storm drainage can be provided without adversely impacting service to existing uses. When feasible, new development shall be designed and built to allow for the upgrading or expansion of services necessary to upgrade existing unincorporated urban communities; however, new development will not be expected to be financially responsible for providing upgrades. Exceptions may be made when new development generates significant public benefits and/or when alternative sources of funding can be identified to offset foregone revenues.

Action Item: A fair-share fee program applicable to new development to help pay for system-wide water, wastewater conveyance, wastewater treatment, and storm drainage improvements may be established and implemented to serve proposed development while maintaining existing levels of service.

Action Item: The County will ensure that the provision of streets, sewer, water, drainage, and other necessary infrastructure is coordinated in a logical manner, so as to reduce design, construction, and maintenance costs.

Action Item: The County will ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for costly retrofitting.

New Policy: The County shall require the integration of best management practices in new development and re-development projects to reduce and control flooding and control pollutant sources and pollutants in runoff during and following development.

New Policy: The County shall monitor water, wastewater and storm drain system capacities on an annual basis and make capacity improvements as needed.

Resource Management Element

Goals

New Policy: Support the conservation of water supplies and protection of water quality.

Action Item: The County Planning and Building Services Department shall cooperate with the County Department of Environmental Health and Regional Water Quality Control Boards to ensure that proposed septic systems meet health and safety standards to avoid soil and groundwater pollution.

Action Item: The County shall comply with the requirements of the Federal Clean Water Act to minimize the discharge of pollutants to surface waters, as required by the County's National Pollutant Discharge Elimination System (NPDES) permit.

Action Item: The County shall collaborate with homeowners to ensure that alternative private wastewater treatment systems (i.e., septic) on individual parcels are adequately maintained in order to meet health and safety standards to avoid soil and groundwater pollution.

Action Item: The County will maintain groundwater ordinances and other forms of regulatory authority to protect the integrity of water supplies in Mendocino County and regulate the exportation of water from ground water basins and aquifers in the county to areas outside those basins.

New Policy: Support interagency cooperation in developing programs and considering projects to protect people, property, and resources from the threat of and damages from flood events.

Action Item: The County Planning and Building Services Department and County Department of Transportation shall collaborate together and with local service districts to determine the adequacy

of stormwater infrastructure systems for protecting people, property, and resources from the threat of and damages from flood events and implement infrastructure improvements in areas found to have inadequate stormwater infrastructure systems.

When warranted, the County shall consider special restrictions to development in and around recharge areas of domestic water sources and other special water resource areas to prevent or reduce possible adverse impacts to the quality or quantity of water resources.

New Policy: Encourage feasibility studies, planning projects and, when appropriate, the development of new, well-planned reservoirs and other facilities and programs which can serve to control flooding and help reduce flood-related damage.

New Policy: The County Planning and Building Services Department shall cooperate with the County Department of Environmental Health to ensure that proposed septic systems meet health and safety standards to avoid soil and groundwater pollution.

An in-depth analysis of existing infrastructure in each DUC and funding sources for potential expansions of infrastructure into these areas will accompany the recommended new policies and implementation measures. The existing and recommended new policies and implementation measures meet the requirements of SB 244 and adequately address the ten identified DUCs.

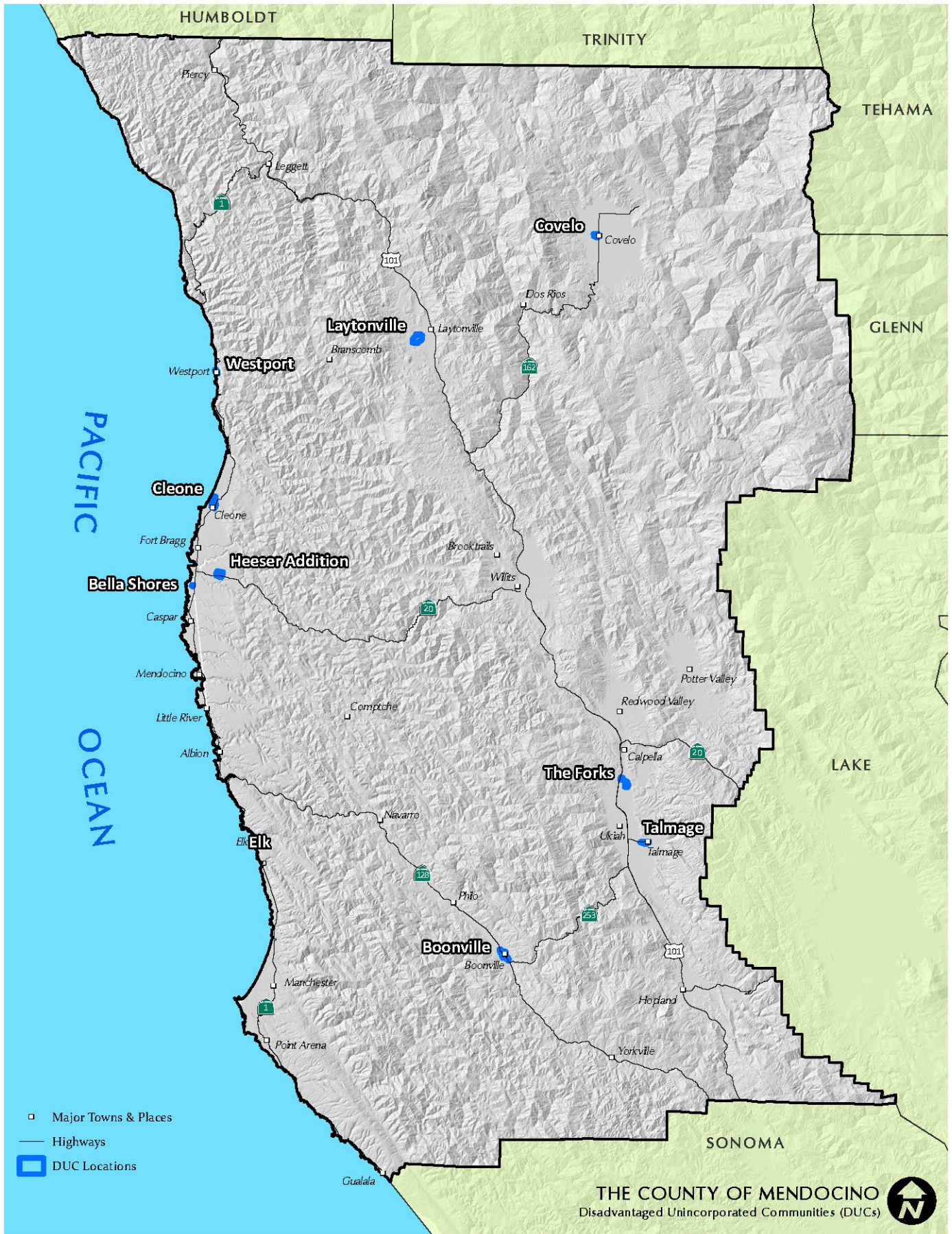


Figure 1: Disadvantaged Unincorporated Communities (DUCs)