

To: Board of Supervisors

FROM: Planning and Building Services Choose an item.

MEETING DATE: November 9, 2021

DEPARTMENT CONTACT: Nash Gonzalez

PHONE: 234-6650

DEPARTMENT CONTACT: Julia Krog

PHONE: 234-6650

ITEM TYPE: Noticed Public Hearing

TIME ALLOCATED FOR ITEM: 45 minutes

AGENDA TITLE:

Noticed Public Hearing - Discussion and Possible Action Including (1) Adoption of a Resolution Amending the Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 (GP_2018-0003) to establish policies for Accessory Dwelling Units in the Coastal Zone of Mendocino County; and (2) Adoption of an Ordinance amending Mendocino County Code, Title 20, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 (OA_2018-0009), to establish regulations for Accessory Dwelling Units in the Coastal Zone.

RECOMMENDED ACTION/MOTION:

(1) Adopt Resolution amending Mendocino County General Plan Coastal Element, Chapters 3.2, 3.3, and 3.9 (GP_2018-0003) to establish policies for Accessory Dwelling Units in the Coastal Zone of Mendocino County and authorize Chair to sign same; and (2) Adopt an ordinance amending Mendocino County Code, Title 20, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 (OA_2018-0009), to establish regulations for Accessory Dwelling Units in the Coastal Zone and authorize Chair to sign same.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

On October 2, 2018, the Mendocino County Board of Supervisors adopted an ordinance amending the Mendocino County Inland Zoning Code (Title 20-Division I of the Mendocino County Code) to update regulations for accessory dwelling units (ADUs). At that time, the Board directed staff to prepare an amendment to the Local Coastal Program (LCP) to establish regulations for ADUs in the coastal zone of Mendocino County.

On November 5, 2019, the Board received a recommendation from the Planning Commission, and adopted Resolution No. 19-378 authorizing submittal of an LCP Amendment application to the California Coastal Commission to establish policies and regulations for ADUs in the coastal zone of Mendocino County. The LCP Amendment is comprised of an amendment of the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and an amendment of the Mendocino County Coastal Zoning Code (Title 20-Division II of the Mendocino County Code) (OA_2018-0009).

On June 9, 2021, the Board received a staff report regarding Coastal Commission staff's recommended modifications to the LCP Amendment. The Board directed County staff to request that Coastal Commission staff revise their recommended modification requiring that ADUs on lands with resource zoning designations (AG, RL, FL, TPZ) be clustered with the primary residence to establish a maximum 100-foot setback requirement rather than the 50-foot maximum recommended by Coastal Commission staff.

SUMMARY OF REQUEST:

The LCP Amendment application was submitted to the Coastal Commission on March 16, 2020 (LCP-1-MEN-20-0021-1). Commission staff accepted the application for filing and requested supplemental information. In response, the County submitted additional analysis and documentation to address the stated concerns about protection of agricultural and timber resources, traffic capacity on State Route 1, adequacy of water and sewer services, protection of environmentally sensitive habitat areas, consistency with recent amendments to State ADU laws, and the Commission's environmental review obligations.

Included in the County's submittals were a number of "friendly modifications" to the LCP Amendment that were requested by County staff to provide clarification, correct inconsistencies, and address new ADU laws that took effect after the Board's action on the application.

Commission staff deemed the LCP Amendment application to be complete on November 17, 2020. On February 12, 2021, the Coastal Commission granted itself a one-year extension to the 90-day time limit for Coastal Commission action on the proposed LCP Amendment. On September 9, 2021, the Coastal Commission certified the County's LCP Amendment with suggested modifications, including the "friendly modifications" requested by County Staff and the direction received by the Board on June 9, 2021.

On October 7, 2021, the Planning Commission unanimously adopted Resolution No. PC_2021-0012, which recommends that the Board of Supervisors approve the LCP Amendment consisting of GP_2018-0003 and OA_2018-0009 with suggested modifications per the Coastal Commission's certification action on September 9, 2021, and with two minor modifications to OA_2018-0009, as follows (additions are shown in underlined text; deletions are shown in ~~strikethrough~~ text).

- Modify Section 20.458.025(A) to read: "In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that do not allow multi-family residential uses, an ADU shall not be allowed if more than one dwelling unit (including farm employee housing, farm labor housing, temporary family care unit but not including a JADU) is located on the parcel and/or if there currently exists more than one guest cottage and/or more than one detached bedroom on the parcel.
- Correct typo in Section 20.536.005(D) to delete extra word: "to ~~approve~~ act"

The second edit has been incorporated into the ordinance that is presented to the Board of Supervisors. However, after further review by County and Coastal Commission staff, it was determined that the changes to Section 20.458.025(A) would substantively alter the meaning of the section and create inconsistencies within the ordinance rather than providing clarification as intended by the Planning Commission.

In order for the Board of Supervisors to adopt the Local Coastal Program Amendment, two actions are needed: (1) Adoption of resolution amending the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and (2) Adoption of an ordinance amending Mendocino County Code, Title 20, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 (OA_2018-0009).

The LCP Amendment will become effective after the Executive Director of the Coastal Commission confirms that the LCP Amendment adopted by the County is consistent with the Coastal Commission's certification action and his determination is reported to the Coastal Commission.

ALTERNATIVE ACTION/MOTION:

Continue action on GP_2018-0003 and OA_2018-0009 and provide direction to staff regarding additional modifications.

It is noted that substantive modifications will require submittal of a revised LCP Amendment application to the Coastal Commission and actions by the Coastal Commission and the Mendocino County Planning Commission prior to returning to the Board for adoption of a revised LCP Amendment.

HOW DOES THIS ITEM SUPPORT THE GENERAL PLAN? The LCP Amendment aligns with General Plan policies encouraging the development of an adequate supply of housing. The LCP Amendment helps implement the following policies of the 2019-2027 Update to the Housing Element of the General Plan:

- Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
- Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
- Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
- Policy 3.2 - Promote the development of ADUs.

- Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.

SUPERVISORIAL DISTRICT: DISTRICT 4 & 5

VOTE REQUIREMENT: Majority

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

<https://www.mendocinocounty.org/government/planning-building-services/public-notices>

FISCAL DETAILS:

SOURCE OF FUNDING: N/A

CURRENT F/Y COST: N/A

ANNUAL RECURRING COST: N/A

BUDGET CLARIFICATION: N/A

BUDGETED IN CURRENT F/Y: N/A

IF NO, PLEASE DESCRIBE:

REVENUE AGREEMENT: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Judy Morris, Deputy CEO

CEO REVIEW: Choose an item.

CEO COMMENTS:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department

Number of Original Agreements Returned to Dept: Choose an item.

Original Agreement Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number: