



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, 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

## MEMORANDUM

**DATE:** OCTOBER 2, 2018

**TO:** BOARD OF SUPERVISORS

**FROM:** BRENT SCHULTZ, PLANNING AND BUILDING SERVICES  
JESSE DAVIS, PLANNING AND BUILDING SERVICES

**SUBJECT:** OA\_2018-0006: CHAPTER 20.164 - ACCESSORY USE REGULATIONS  
(SECOND RESIDENTIAL / ACCESSORY DWELLING UNITS)

The Mendocino County Board of Supervisors has directed staff to amend the County Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code), Chapter 20.164 - Accessory Use Regulations with regard to 'Second Residential Units/Accessory Dwelling Units'. The zoning regulations of Chapter 20.164 are applicable only to the unincorporated inland areas of Mendocino County.

**PLANNING COMMISSION PROPOSED CHANGES:** Staff addressed the Board directives in the Planning Commission staff report. The staff report prepared for the Planning Commission is attached to this agenda packet. The Planning Commission held a public hearing on July 19, 2018. At that hearing the Planning Commission solicited public comments and made recommendations to the Mendocino County Board of Supervisors regarding Ordinance Amendment OA\_2018-0006.

The proposed amendments are shown in the ordinance-redline version within this agenda packet. These changes are supported by the Planning Commission, and include the following modification and addition to Section 20.164.015 (Y):

*1. Either the single-family dwelling or the JADU must be owner-occupied. Only one JADU is permitted per residential lot.*

*7. JADU Deed Restriction: Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit, which shall run with the land, and be binding upon any future owners, heirs, or assigns.*

**CEQA RECOMMENDATION:** Pursuant to CEQA Guidelines Section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code", is statutorily exempt from CEQA, based on Public Resources Code section 21080.17.

**GENERAL PLAN CONSISTENCY ANALYSIS:** The Housing Element of the General Plan contains the following policies related to 'Accessory Residential/Second Residential Units:

- **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 second units.*

Staff finds that the proposed amendments are consistent with the 2009 Mendocino County General Plan, as well as the 2014 Housing Element. The amendments align with the County's intention of encouraging and facilitating the development of an adequate supply of housing. The allowed uses would still only be permitted in areas already otherwise allowed for by the General Plan.

**RECOMMENDED MOTION FOR THE BOARD OF SUPERVISORS:** Adopt resolution making the Planning Commission's report and recommendation to the Board of Supervisors on a proposed amendment to the County Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code), Chapters 20.008 – Definitions and 20.164 - Accessory Use Regulations with regard to 'Second Residential Units/Accessory Dwelling Units', finding that the actions are statutorily exempt pursuant to Public Resources Code section 21080.17.

**ATTACHMENTS**

- A. Ordinance – Redline
- B. Ordinance – Clean
- C. Planning Commission Hearing Packet with Signed Resolution
- D. RHNA Memorandum-Use of ADUs and JADUs
- E. Fact Sheet: CA HCD: Summary Changes ADU State Laws
- F. Fact Sheet: CA HCD: Frequently Asked Questions ADUs
- G. Fact Sheet: CA HCD: Frequently Asked Questions JADUs
- H. Fact Sheet: CA HCD: State Standards Checklist