

ORDINANCE NO. _____

ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO CHAPTER 18.23, LIMITED DENSITY RURAL DWELLINGS, OF THE MENDOCINO COUNTY CODE

The Mendocino County Board of Supervisors ordain as follows:

Section 1. Section 18.23.250 – Limited Density Rural Dwelling, is hereby amended to read as follows:

Sec. 18.23.250 – Limited Density Rural Dwelling.

A "limited density rural dwelling" is any structure consisting of one (1) or more habitable rooms, intended or designed to be occupied by one (1) family with facilities for living and sleeping, with use restricted to rural areas that fulfills the requirements of this chapter, and is both of the following:

- (1) Not exceeding two and one-half (2 ½) stories; and
- (2) Not exceeding two thousand (2,000) square feet of conditioned habitable space, unless the dwelling includes fire sprinklers.

Section 2. Section 18.23.345 – Fire Safety Requirements, is hereby amended to read as follows:

Sec. 18.23.345 – Fire Safety Requirements.

All new structures shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in Chapter 7A of the California Building Code, or with such other successor chapter of the latest adopted version of the California Building Code.

For purposes of this chapter, residential fire sprinklers shall not be required in limited density rural dwellings containing two thousand (2,000) or fewer square feet of conditioned habitable space. When fire sprinklers are required, fire sprinkler design plans shall adhere to current NFPA 13R requirements and be prepared by a fire protection engineer, a C-16 licensed fire protection contractor, a mechanical engineer, or a qualified homeowner.

Section 3. Section 18.23.430 – Water Supply, is hereby amended to read as follows:

Sec. 18.23.430 – Water Supply.

Potable water shall be available to the dwelling site, although such water need not be pressurized. Where water is not piped from a well, spring, cistern, or other source, there shall be a minimum reserve of 200 gallons of potable water available. Where water delivery is pressurized, piping shall be installed in accordance with the provisions of this article. When fire sprinklers are required pursuant to this Chapter, adequate water supply shall be confirmed by the fire sprinkler design plan.

Section 4. Section 18.23.443 - Findings and Support of Adoption of Ordinance Amending Chapter 18.23 of the Mendocino County Code "Regulations for Limited Density Rural Dwellings" (2023), is hereby added to read as follows:

Sec. 18.23.443 - Findings and Support of Adoption of Ordinance Amending Chapter 18.23 of the Mendocino County Code "Regulations for Limited Density Rural Dwellings" (2023).

Pursuant to Health and Safety Code Section 17958.2, the Board of Supervisors hereby makes the express finding that the amendment of the regulations for limited density rural dwellings is reasonably necessary because of local conditions based upon the following:

- (1) The findings and local conditions stated in Section 18.23.440 are still relevant and applicable, specifically the County's mountainous terrain and lack of developed roads, and are incorporated herein by this reference. Mendocino County continues to suffer from a housing shortage and the ability to develop housing under the limited density rural dwellings chapter provides the County with flexibility in providing housing for its citizens.
- (2) The amendments proposed by the ordinance adopting this section of this Chapter 18.23 are reasonably necessary to allow for larger homes to be constructed with additional safety requirements while still providing for the flexibility of allowing limited density rural dwellings a performance standard of evaluation.
- (3) The amendments proposed by the ordinance adopting this section of Chapter 18.23 will help strike a balance between updating this Chapter to ensure that reasonable health and safety standards are being met, while not creating burdens that make the development of housing in the more rural and remote regions of the County prohibitively expensive.

Section 5. Findings. Pursuant to Health and Safety Code section 17958.2 and 25 California Code of Regulations section 80, the Board of Supervisors expressly finds that this ordinance and the changes or modifications made herein to the County's existing limited density rural dwellings ordinance, which is based on the State of California Regulations for Limited Density Owner-Built Rural Dwellings (25 Cal. Code Regs. section 74, *et seq.*) are reasonably necessary because of local climatic, geological and topographical conditions, as specified in Section 4 of this Ordinance and the findings made in the new Section 18.23.443. The Board finds that the adoption of the modifications as set forth herein will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments made by this ordinance.

Section 6. CEQA. The Board of Supervisors hereby finds and determines that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. This finding and determination is based on the environmental determination of the Department of Planning and Building Services for this ordinance. The Director of Planning and Building Services is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section 7. Severability. If any section, subsection, provision, phrase, word or clause of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2023, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: DARCIE ANTLE
 Clerk of the Board

Deputy

APPROVED AS TO FORM:
Christian M. Curtis
County Counsel

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

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

BY: DARCIE ANTLE
 Clerk of the Board

Deputy