



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: July 11, 2023

TO: Honorable Board of Supervisors

FROM: Michael Oliphant, Building Official
Matthew Kiedrowski, Deputy County Counsel

Subject: Proposed Amendments to Mendocino County Code Chapter 18.23 –
Regulations for Limited Density Rural Dwellings (Class K)

Background: Ordinance No. 3343 was adopted by the Board of Supervisors in 1981, establishing Chapter 18.23 of the Mendocino County Code, Regulations for Limited Density Rural Dwellings, commonly known as the Class K Ordinance. On March 13, 2018, the Board of Supervisors adopted Ordinance No. 4404 amending several sections of Chapter 18.23 of the Mendocino County Code (MCC). On October 1, 2019, the Board provided direction to staff regarding an amendment to MCC Chapter 18.23 to remove the square foot maximum restriction for limited density rural dwellings with sprinklers.

Proposed Amendments: To address the direction received from the Board, staff has prepared proposed amendments to certain sections in MCC Chapter 18.23. MCC section 18.23.250 is proposed to be amended to allow the two thousand (2,000) square foot maximum for a limited density rural dwelling to be exceeded only if the dwelling includes fire sprinklers. MCC section 18.23.345 is proposed to be amended to reflect the fire sprinkler requirement in structures greater than 2,000 square feet. MCC section 18.23.430 regarding water supply is proposed to be amended to require that adequate water supply for sprinklers be confirmed by the fire sprinkler design plan. Lastly, a new section 18.23.443 is added to make the findings required by Health and Safety Code section 17958.2.

Environmental Review: An activity or proposal is exempt from the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA"; see also the CEQA Guidelines, 14, Cal. Code Regs. 15000 *et seq.*) if the proposal is covered by the common sense exemption that CEQA applies only to projects which may have the potential for causing a significant effect on the environment. Pursuant to Section 15061(b)(3) of the State CEQA Guidelines, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

MCC Chapter 18.23 currently provides that a limited density rural dwelling may not exceed 2,000 square feet of conditioned habitable space and that residential fire sprinklers are not required. The proposed amendments to MCC Chapter 18.23 would allow limited density rural dwellings to exceed 2,000 square feet but only if the dwelling contains a fire sprinkler system. Under CEQA Guidelines section 15303, construction of a single-family dwelling in a residential zone is already exempt from CEQA. Single-family homes are already permitted as a matter of right in most zoning districts in rural areas of the County. Any increase in single-family home construction would be subject to existing General Plan and Zoning Code limitations, be considered exempt under CEQA and come with additional fire safety protection measures. It can be seen with certainty that the proposed amendment will not have a significant effect on the environment within the meaning of CEQA.

Attachments:

- A. Redline Ordinance
- B. Clean Ordinance