



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: August 29, 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: On July 11, 2023, staff brought forward a proposed ordinance responding to direction previously given. At that meeting, the Board directed staff to revise the proposed ordinance to eliminate changes related to requiring sprinklers for larger homes and to simply remove the 2,000 square foot size restriction that had been established in 2018.

Staff has prepared a revised ordinance for a new first reading. A redline shows the deletions made from the version reviewed on July 11, 2023. Based on the updated Board direction, the only substantive change being made at this time is to MCC Section 18.23.250, removing the 2,000 square foot size limitation and changing the wording of the section to as it read prior to 2018. The ordinance includes making required findings supporting the amendment.

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 amendment to MCC Chapter 18.23 would allow limited density rural dwellings to exceed 2,000 square feet. There was no square foot size limitation in MCC Chapter 18.23 from its adoption in 1981 to 2018. Under CEQA Guidelines section 15303, construction of a single-family dwelling in a residential zone is already exempt from CEQA, and no maximum size is listed in the section. 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 and be considered exempt under CEQA. The change merely allows for construction of larger single-family homes pursuant to MCC Chapter 18.23, as was previously allowed. 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