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Subject: Comments on Class K Ordinance for 9-25-17 Public Health, Safety and Resources Committee

TO: Mendocino County Public Health, Safety and Resources Committee

FROM: Casey O'Neill, HappyDay Farms, Vice-Chair California Growers Association, Acting Chair Mendocino County Growers Alliance

This Memo is in regards to the Mendocino Class K Ordinance, Chapter 18.23 Regulations for Limited Density Rural Dwellings. We would like to start by wholeheartedly supporting the list of Findings that made possible the original "Class K" ordinance. It is amazing, that though these regulations were passed in 1981, the Findings (and thus the need for these types of permits) still ring true in remarkable fashion.

We would also like to take this time to oppose the changes that have been proposed to the ordinance. Automatic Sprinklers and Perimeter foundations are extremely expensive and should not be considered necessary for owner-built buildings. The square footage limit is a random selection of size and should not be pursued. Nor should Wildland Interface Requirements or Minimum Parcel Sizes. The entire purpose of this program is to create a functional pathway for citizens to permit their structures in rural parts of the county.

In brief paraphrase of the Findings in the ordinance; the county citizens still believe there is a need for Limited Density Rural Dwellings. We remain a rural county with fairly moderate/temperate climate, and our rough terrain is still a barrier that creates a certain degree of isolation. It can be difficult to get supplies and professionals onsite in the far-flung reaches of the county. There is still a continuing and severe housing shortage; the General Plan is expected to reflect the needs of county citizens to find housing available, and Class K presents an appropriate opportunity to facilitate these needs.

Written in 1981, the ordinance recognized the complexity of the Uniform Building Codes, noting that they "may be beyond the understanding of many owner-builders and home owners." The complexity of building codes has increased in the intervening decades, meaning that the Findings from 1981 ring true even more-so today. The rural areas of the county are hugely reliant on the Class K program, if permits are applied for at all. There are some problems with the way that the existing program is being applied, on which we are pleased to have the opportunity to comment below:

Foundations: The Class K Ordinance is very clear in its authorization of post/pier and other types of foundations. The Building Department's current insistence on either Perimeter foundations or full sign-off from a licensed engineer does not follow the intent of the law. It is adding thousands (if not tens of thousands) of dollars to the cost of permits under the Class K Program. We strongly oppose the suggested revision to require perimeter foundation, and ask that the Building Dept be instructed specifically to allow post and pier foundations.

Fire Sprinklers: Requirements of automatic fire sprinklers do not work well with the reality of off-grid, rural Mendocino County. It is important that we not create regulations that discourage or prevent people from living in the rural areas of the county.

Wildland Urban Interface Requirements: It is good for the county to provide information to people about fire resistant building materials. However, for structures already in existence, there should not be a requirement for expensive retrofitting to include these materials.

Minimum Parcel Size: We question the need for a minimum parcel size restriction on these types of dwellings. Given the acute housing crises in Mendocino County, we should be facilitating more living space, not putting up roadblocks.

Square Footage: It does not seem necessary to limit the square footage of these types of dwellings. What is the reasoning behind this suggestion?

Composting Toilets: Given the need for saving water in our environment, along with significant cost savings and potential for better land-use

through reduced human waste contamination, it is important that the County look at revising code regarding Composting Toilets. It is time to rethink the full septic requirement in favor of policies that support sound environmental compliance in cost-effective manners. There is often not enough water to go around; the county should rethink septic regulations.

Process: The Class K Ordinance was written in the spirit of working with the community to create a workable permitting process for owner-built structures. In the eyes of many in the community, this spirit of goodwill has largely been abandoned by the current Building Department, which is requiring onerous processes of applicants, increasing the overall time and cost of the permit. The proposed revisions to the regulations are direct evidence of current regulatory creep in this program.

Results: People are having a hard time negotiating the process because the County Building Dept is operating as though Class K permits should live up to the full standards of the Uniform Building Codes, when this is very clearly not the intent of the regulations. Because of this, there are many people who would like to apply for permits but who feel afraid to do so for fear of not being able to accomplish the process due to over-zealous application by Building Dept officials.

Accessory Structures: Class K is unclear about the potential for using accessory structures for business endeavors. It should be clarified that hoopouses, greenhouses, drying sheds and other accessory structures are acceptable under either Ag-Exempt or Class K categories.

It is important that regulations be written to foster the spirit of compliance. Creating rules that people are not able to follow is self-defeating. The Class K Ordinance represents a sensible approach and should be used to invigorate our local communities, economies and sustain the environment through fostering discussion of good land-use practices. Thank you for the opportunity to comment.