

**TO: Board of Supervisors**

**FROM:** Planning and Building Services ...

**MEETING DATE:** November 8, 2022

**DEPARTMENT CONTACT:** Michael Oliphant  
**DEPARTMENT CONTACT:** Matthew Kiedrowski

**PHONE:** 707-234-6650  
**PHONE:** 707-234-6885

**ITEM TYPE:** Regular Agenda

**TIME ALLOCATED FOR ITEM:** 15 Minutes

**AGENDA TITLE:**

Discussion and Possible Action to (1) Introduce and Waive First Reading of an Ordinance Amending Chapter 18.04 of the Mendocino County Code and Adopting by Reference, with Local Amendments, Selected Provisions, Chapters and Appendices of Title 24 of the California Code of Regulations, 2022 Editions of the California Building Standards Code, and Adopting Local Findings, and (2) to Set the Date of December 6, 2022, for a Noticed Public Hearing to Consider the Proposed Ordinance (Sponsors: Planning and Building Services and County Counsel)

**RECOMMENDED ACTION/MOTION:**

Introduce and Waive First Reading of an Ordinance Amending Chapter 18.04 of the Mendocino County Code and Adopting by Reference, with Local Amendments, Selected Provisions, Chapters and Appendices of Title 24 of the California Code of Regulations, 2022 Editions of the California Building Standards Code and Adopting Local Findings, and Set the Date of December 6, 2022, for a Noticed Public Hearing to Consider the Proposed Ordinance.

**PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:**

On February 17, 2015, the Board of Supervisors adopted Ordinance No. 4333, which included the adoption of the 2013 California Building Code. On March 7, 2017, the Board of Supervisors adopted Ordinance No. 4380, which included the adoption of the 2016 California Building Code. On December 10, 2019, the Board of Supervisors adopted Ordinance No. 4444, which included the adoption of the 2019 California Building Code.

**SUMMARY OF REQUEST:**

The State of California adopts new building construction codes every three years, referred to as the California Building Standards Code. The new 2022 California Building Standards Code will become effective January 1, 2023, and are enforced locally as mandated by the State. Staff has prepared a proposed ordinance adopting the 2022 code into Chapter 18.04 of the Mendocino County Code, making amendments to the State Codes based on local Mendocino County conditions, and adopting additional appendices of the California Building Standards Code which were not specifically adopted by the State.

Please see the staff memorandum prepared for this agenda item for additional information.

Government Code procedure for adoption of codes by reference calls for a first reading of the ordinance, followed by a noticed public hearing prior to the second reading and adoption of the ordinance.

**ALTERNATIVE ACTION/MOTION:**

Not introduce and waive first reading, provide direction to staff. Taking no action would result in the State mandated codes being applied by the Department of Planning and Building Services beginning January 1, 2023.

**DOES THIS ITEM SUPPORT THE GENERAL PLAN?** Yes

**STRATEGIC PLAN PRIORITY DESIGNATION:** ...

**SUPERVISORIAL DISTRICT:** ALL

VOTE REQUIREMENT: Majority

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

**FISCAL DETAILS:**

SOURCE OF FUNDING: N/A

CURRENT F/Y COST: N/A

ANNUAL RECURRING COST: N/A

BUDGET CLARIFICATION: N/A

BUDGETED IN CURRENT F/Y: N/A

IF NO, PLEASE DESCRIBE:

REVENUE AGREEMENT: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

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CEO LIAISON: Nash Gonzalez, Assistant PBS Director

CEO REVIEW: ...

CEO COMMENTS:

**FOR COB USE ONLY**

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Executed By: ...

Date:

Final Status:...

Executed Item Type: . Number:



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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## **MEMORANDUM**

**DATE:** NOVEMBER 8, 2022  
**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** MIKE OLIPHANT, CHIEF BUILDING OFFICIAL  
**SUBJECT:** PROPOSED ADOPTION OF THE 2022 CALIFORNIA CODE OF REGULATIONS,  
PARTS 1-12

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### **BACKGROUND:**

Every three years, the State of California ("State") adopts the latest edition of the California Building Standards Code (herein referred to collectively as the "Codes") to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. The 2022 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2022. Sections 17958 and 18941.5 of the California Health and Safety Code require that the latest edition of the Codes apply to local construction 180 days after publication; thus, State law requires that the Codes become effective at the local level on January 1, 2023.

### **ADOPTION PROCEDURE:**

Government Code Section 50022.2 *et seq.* provides a procedure for the adoption of codes by reference. After the first reading of the title of the adopting ordinance and the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the Board shall schedule a public hearing, which shall be published once a week for two successive weeks in a newspaper of general circulation.

It is proposed that at today's meeting, the Board of Supervisors introduce and waive first reading of the ordinance proposed to amend the County's Chapter 18.04 to adopt the 2022 Codes by reference, and then set the date of December 6, 2022, as the date for the required noticed public hearing and potential second reading and adoption.

### **SUMMARY:**

Prior to the adoption and enforcement of the Codes at the local level, State law permits jurisdictions to amend the Codes in certain circumstances. Pursuant to Sections 17958.5. and 17958.7 of the California Health and Safety Code, such amendments can only be enacted when an express finding and determination is made that such amendments are reasonably necessary because of local climatic, geological, topographical, or environmental conditions that affect the jurisdiction. Amendments that are necessary for local administrative clarification and do not modify Building Standards as defined in Section 18909(c) of the California Health and Safety Code can be enacted without the required express finding and determination.

Staff from the Department of Planning and Building Services have reviewed the Codes and are recommending a number of amendments. Many of the proposed amendments have been carried through from the previous code cycle.

The proposed amendments are as follows:

- 1) Administrative Amendments – Some amendments have been proposed to establish administrative regulations pertaining to the performance of plan check, the issuance of permits, the collection of fees, new definitions and other administrative standards.
- 2) Life Safety Amendments – Generally this topic covers standards related to structural design, egress standards, and limitation of building heights and/or building areas. At this time, staff is proposing carrying through amendments made to the 2022 California Building Code Vol. II, related to signs and agricultural buildings.

### **Notable Proposed Amendments**

All previous changes to the 2022 California Building Codes are proposed to be carried through from the previous code adoption, which included the adoption and amendments to the California Building Code Appendix C (Agricultural Buildings) related to agricultural building sizes and exemptions, and Appendix H (Signs) related to permit exemptions and engineering requirements; amendments to the California Residential Code, Mechanical Code, Electrical Code and Plumbing Code related to the expiration of permits; and amendments to the California Fire Code related to defining the Chief Building Inspector [Chief Building Official] as fire chief in certain circumstances.

### **Amendments Currently Proposed:**

- **Section 18.04.025 California Codes Adopted.**

Staff is recommending the amendment of this section to reflect the new California Building Code editions, and the adoption of Appendix Chapters of the building codes. The below introduces the new California Building Codes, and the new Appendix Chapters Staff is recommending for adoption.

#### 2022 California Building Codes:

- 2022 California Administrative Code
- 2022 California Building Code Volume I & II
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Historical Building Code
- 2022 California Fire Code
- 2022 California Existing Building Code
- 2022 California Green Building Standards Code
- 2022 California Referenced Standards Code

#### California Building Code (“CBC”) Appendix Chapters:

- Appendix C (Agricultural Buildings)
- Appendix G (Flood-resistant Construction)
- Appendix H (Signs)
- Appendix I (Patio Covers)

#### California Residential Code (“CRC”) Appendix Chapters:

- Appendix AH (Patio Covers)
- Appendix AJ (Existing Building and Structures)
- Appendix AK (Sound Transmission)
- Appendix AR (Light Straw-Clay Construction)
- Appendix AS (Strawbale Construction)
- Appendix AX (Swimming Pool Safety Act)

California Electrical Code (“CEC”) Appendix Chapters:

- Annex H (Administration and Enforcement)

California Plumbing Code (“CPC”) Appendix Chapters:

- Appendix A (Recommended Rules for Sizing the Water Supply System)
- Appendix B (Explanatory Notes on Combination Waste and Vent Systems)
- Appendix D (Sizing Storm Water Drainage Systems)
- Appendix I (Installation Standards)
- Appendix J (Combination of Indoor and Outdoor Combustion and Ventilation Design)

- **Section 18.04.035 Modifications to the 2022 California Building Code (“CBC”).**

Staff is recommending the amendment of Section R105.3.2 of the California Building Code related to the time limitations of applications for permits, and amends CBC Section 105.5 related to the expiration of permits. The timelines set previously did not change; the proposed changes provide new language that allows for extensions to issued permits that are undergoing revisions. This modification is included in all other code’s administrative provisions.

- **Section 18.04.040 Modifications to the 2022 California Residential Code (“CRC”).**

This section amends Section R105.3.2 of the California Residential Code related to the time limitations of applications for permits, and amends CRC Section 105.5 of the related to the expiration of permits. The timelines set previously did not change, the proposed changes provide new language that allows for extensions to issued permits that are undergoing revisions.

- **Section 18.04.045 Modifications to the 2022 California Electrical Code (“CEC”).**

This section amends the adopted Annex (Appendix) H, Section 80.19 (E) and incorporates language regarding application and permit expiration which was amended and adopted on the previous code cycle.

This section also deletes the following Sections in the CEC Annex:

- Section 80.15 Electrical Board is deleted. Currently the Board of Building and Housing Appeals serves as the “Board of Appeals,” per Section 18.04.030 of this title.

- **Section 18.04.050 Modifications to the 2022 California Mechanical Code (“CMC”).**

This section amends Section 104.3.3 of the California Mechanical Code related to the time limitations of applications for permits, and amends CMC Section 104.4.3 related to the expiration of permits. The timelines set previously did not change, the proposed changes provide new language that allows for extensions to issued permits that are undergoing revisions.

- **Section 18.04.055 Modifications to the 2022 California Plumbing Code (“CPC”).**

This section amends Section 103.3.3 of the CPC related to the time limitations of permits, and revises two CPC Sections to the new numbering sequence.

- **Section 18.04.060 Modifications to the 2022 California Fire Code**

This section remained unchanged, other than updating the code edition from 2019 to 2022. All other amendments were carried through from the 2019 Code adoption.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The adoption of this ordinance exempt from the California Environmental Quality Act ("CEQA"). Section 15061(b)(3) of the State CEQA Guidelines exempts activities where it can be seen with certainty that there is no possibility that the activity may have a significant impact on the environment. The County is adopting uniform codes that will be required to be applied by State law and adopting the same appendices that it has previously adopted that are unchanged.

**ALTERNATIVE ACTIONS CONSIDERED:**

The Board may direct staff to propose an adoption of the State Codes with fewer, or no, local amendments; or take no action. "No action" would result in the continuation of obsolete references within Title 18, which may be confusing to the public or in conflict with mandated State regulation. However, even under the "no action" alternative, the State mandated codes would still be applied by the Department of Planning and Building Services.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 18.04 OF THE MENDOCINO COUNTY CODE AND ADOPTING BY REFERENCE WITH LOCAL AMENDMENTS, SELECTED PROVISIONS, CHAPTERS AND APPENDICES OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, 2022 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING: (1) THE CALIFORNIA ADMINISTRATIVE CODE; (2) THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2; (3) THE CALIFORNIA RESIDENTIAL CODE; (4) THE CALIFORNIA ELECTRICAL CODE; (5) THE CALIFORNIA MECHANICAL CODE; (6) THE CALIFORNIA PLUMBING CODE; (7) THE CALIFORNIA ENERGY CODE; (8) THE CALIFORNIA HISTORICAL BUILDING CODE; (9) THE CALIFORNIA FIRE CODE; (10) THE CALIFORNIA EXISTING BUILDING CODE; (11) THE CALIFORNIA GREEN BUILDING STANDARDS CODE; (12) THE CALIFORNIA REFERENCED STANDARDS CODE; AND ADOPTING LOCAL FINDINGS; AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 18

The Mendocino County Board of Supervisors ordain as follows:

**Section 1.** Section 18.04.025 – California Codes Adopted, is hereby amended to read as follows:

**Sec. 18.04.025 - California Codes Adopted.**

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Mendocino County Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

- (A) CALIFORNIA ADMINISTRATIVE CODE, 20~~19~~22 Edition, Part 1, as published by the International Code Council.
- (B) CALIFORNIA BUILDING CODE, 20~~19~~22 Edition, Part 2, Volumes I and II, together with Appendix C (Agricultural Buildings); Appendix G (Flood Resistant Construction); Appendix H (Signs); and Appendix (I) Patio Covers as published by the International Code Conference subject to the changes and modifications set forth in Section 18.04.035 and other provisions of this Title.
- (C) CALIFORNIA RESIDENTIAL CODE, 20~~19~~22 Edition, Part 2.5, together with Appendix ~~AH~~ (Patio Covers); Appendix ~~AJJ~~ (Existing Building and Structures); Appendix ~~AK-K~~ (Sound Transmission); Appendix ~~ARR~~ (Light Straw-Clay Construction); Appendix ~~AS-S~~ (Strawbale Construction); and Appendix ~~AXV~~ (Swimming Pool Safety Act), as published by the International Code Council, subject to the changes and modifications set forth in Section 18.04.040 and other provisions of this Title.
- (D) CALIFORNIA ELECTRICAL CODE, 20~~19~~22 Edition, Part 3, together with Annex H (Administration and Enforcement) as published by the National Fire Protection Association subject to changes and modifications set forth in Section 18.04.045 and other provisions of this Title.
- (E) CALIFORNIA MECHANICAL CODE, 20~~19~~22 Edition, Part 4, as published by the International Association of Plumbing and Mechanical Officials subject to the changes and modifications set forth in Section 18.04.050 and other provisions of this Title.
- (F) CALIFORNIA PLUMBING CODE, 20~~19~~22 Edition, Part 5, together with Appendix A (Recommended Rules for Sizing the Water Supply System);

Appendix B (Explanatory Notes on Combination Waste and Vent Systems); Appendix D (Sizing Storm Water Drainage Systems); Appendix I (Installation Standard); Appendix J (Combination of Indoor and Outdoor Combustion and Ventilation Opening Design), as published by the International Association of Plumbing and Mechanical Officials, subject to the changes and modifications set forth in Section 18.04.055 and other provisions of this Title.

- (G) CALIFORNIA ENERGY CODE, 20~~19~~22 Edition, Part 6, as published by the International Code Council.
- (H) CALIFORNIA HISTORICAL BUILDING CODE, 20~~19~~22 EDITION, Part 8, as published by the International Code Council.
- (I) CALIFORNIA FIRE CODE, 20~~19~~22 Edition, Part 9, as published by the International Code Council subject to changes and modifications set forth in Section 18.04.060 and other provisions of this Title.
- (J) CALIFORNIA EXISTING BUILDING CODE, 20~~19~~22 edition, Part 10, as published by the International Code Council.
- (K) CALIFORNIA GREEN BUILDING STANDARDS CODE, 20~~19~~22 Edition, Part 11, as published by International Code Council.
- (L) CALIFORNIA REFERENCED STANDARDS CODE, 20~~19~~22 Edition, Part 12, as published by the International Code Council.

**Section 2.** Section 18.04.030 – Modifications to All California Codes Adopted: Board of Appeals, is hereby amended to read as follows:

**Sec. 18.04.030 - Modification to All California Codes Adopted: Board of Appeals.**

Each of the California codes adopted by reference by this Title is amended to provide that the appellate body referred to therein, whether it be the "Board of Appeals" in Section 113 of the California Building Code, 20~~19~~22 Edition or any other similar provision in the remaining California codes, shall be the Board of Building and Housing Appeals as constituted and empowered by Section 2.24.030 of the Mendocino County Code. In the event of any inconsistency, Section 2.24.030 of the Mendocino County Code shall prevail.

**Section 3.** Section 18.04.035 – Modifications to California Building Code, is hereby amended to read as follows:

**Sec. 18.04.035 - Modifications to California Building Code.**

The California Building Code, 20~~19~~22 Edition, as adopted in Section 18.04.025(B) of this Chapter, is adopted with the following changes and modifications:

Section 105.3.2 shall be amended to read as follows:

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more



extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section 109.6 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Appendix C: Agricultural Buildings: Section C102.1 shall be amended to read as follows:

General. Buildings classified as U Agricultural shall not exceed the area in Table C102.1 or the height limits in Title 20 of the Mendocino County Code.

Appendix H: Signs: Section H101.1 shall be amended to include the following as a second paragraph:

Notwithstanding any other provision of this appendix, all external lighting for signs shall be designed to be shielded or downcast in order to minimize the illumination of the nighttime sky.

Appendix H: Signs: Section H101.2 shall be amended to read as follows:

Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Nonilluminated signs painted on exterior surface of existing permitted or legal nonconforming buildings or structures.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 2.5 square feet (0.23 m<sup>2</sup>).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Temporary signs on grade that are no higher than 7 feet in height above grade and no more than 32 square feet in size.

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work done in any manner in violation of the provisions of Title 20 of the Mendocino County Code, or any other laws or ordinances of this jurisdiction.

Appendix H: Signs: Section H105.3 shall be amended to read as follows:

Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

Appendix H: Signs: Section H105.4 shall be amended to read as follows:

Seismic load. Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

**Section 4.** Section 18.04.040 – Modifications to California Residential Code, is hereby amended to read as follows:

**Sec. 18.04.040 - Modifications to California Residential Code.**

The California Residential Code, 2019~~22~~ Edition as adopted in Section 18.04.025(C) of this Chapter, is adopted with the following changes and modifications.

Section R105.3.2 shall be amended to read as follows:

Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section R105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section R108.5 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for

which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

**Section 5.** Section 18.04.045 – Modifications to California Electrical Code, is hereby amended to read as follows:

**Sec. 18.04.045 - Modifications to California Electrical Code.**

The California Electrical Code, 20~~19~~<sup>22</sup> Edition, as adopted in Section 18.04.025(D) of this Chapter, is adopted with the following changes and modifications.

Annex H, Section 80.15 Electrical Board is deleted.

Annex H, Section 80.19(E) shall be amended to read as follows:

- (E) Fees and Fee Refunds.
  - (1) Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued.
  - (2) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
  - (3) The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
  - (4) The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
  - (5) The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Annex H, Section 80.19(H) shall be amended to include the following as a new paragraph (4):

- (4) Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more

than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Annex H, Section 80.19(H)(7) shall be amended to include the following new paragraph (5):

- (5) Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Annex H, Section 80.23, Notices of Violations, Penalties: Subsection (B)(3) is deleted.

Annex H, Section 80.27 Inspector Qualifications is deleted.

**Section 6.** Section 18.04.050 – Modifications to California Mechanical Code, is hereby amended to read as follows:

**Sec. 18.04.050 - Modifications to California Mechanical Code.**

The California Mechanical Code, 20~~19~~<sup>22</sup> Edition, as adopted in Section 18.04.025(E) of this Chapter, is adopted with the following changes and modifications.

Section 104.3.3 shall be amended to read as follows:

Section 104.3.3 Time Limitation of Application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in any time, for periods of not more than 180 calendar days each. Each extension required payment of a fee as established by the Board of Supervisors.

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 104.5, Subsection 104.5.3 Fee Refunds shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

**Section 7.** Section 18.04.055 – Modifications to California Plumbing Code, is hereby amended to read as follows:

**Sec. 18.04.055 - Modifications to California Plumbing Code.**

The California Plumbing Code, 2019~~22~~ Edition, as adopted in Section 18.04.025(F) of this Chapter, is adopted with the following changes and modifications:

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 104.5.3 shall be amended to read as follows:

**Fee Refunds.**

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.

3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

**Section 8.** Section 18.04.060 – Modifications to California Fire Code, is hereby amended to read as follows:

**Sec. 18.04.060 - Modifications to California Fire Code.**

The California Fire Code, 201922 Edition, as adopted in Section 18.04.025(H) of this Chapter, is adopted with the following changes and modifications:

Section 202 definition of FIRE CHIEF shall be amended to read as follows:

FIRE CHIEF. The chief officer of the fire department serving the jurisdiction, or a duly authorized representative; areas not located in the jurisdiction of a fire district shall be under the authority of the Building Official.

**Section 9.** Findings

Pursuant to Health and Safety Code Sections 17958, 17958.5 and 17958.7, the Board of Supervisors expressly finds that this ordinance and the changes or modifications made herein to the 201922 edition of the California Building Standards Code, including the amendment requiring one exterior hose bibb for each residence and the adoption of Appendices C, G, H and I of the California Building Code; Appendices AK, AR, AS and AX K, R, S and V of the California Residential Code; Annex H of the California Electrical Code; Appendices A, B, D, I and J of the California Plumbing Code, are reasonably necessary because of local climatic, geological and topographical conditions. The Board of Supervisors further finds in connection therewith as follows that the following climatic, geological and topographical conditions exist in the County:

1. Mendocino County is a rural coastal county in a high seismic zone, two known fault zones in the county are the Maacama Fault Zone located between Hopland and Laytonville; and active breaks along the San Andreas fault between Bolinas Bay (Marin County) and up to Point Delgada (Humboldt County).
2. Mendocino County is made up of rugged coastal and inland mountains and foothills, with intermittent valleys. Surface soils in Mendocino County vary from expansive to alluvial fan material, both expansive. Expansive soils swell and shrink with variations in moisture content resulting in (1) differential “settlement” of structures, and (2) variations in surface storm water runoff. In addition, soft soils in combination with the presence of a high water table can cause liquefaction in some sites in the event of a major earthquake shaking.
3. The California Department of Forestry and Fire Protection has designated the majority of Mendocino County as being either a High Severity Zone or a Very High Severity Zone.
4. As provided by Chapter 16 of the 201922 edition of the California Building Code, Mendocino County has a basic wind speed of 110 miles per hour (3 second gust).
5. Rainfall generally occurs between October and April, but does not occur during the warm summer months, when temperatures can exceed 100 degrees in parts of the County. During the summer



months, dry winds and vegetation mix to create a hazardous fuel condition, which causes grassland and brushland fires each year. Particularly during times of high temperatures and low humidity, a fire can move quickly through the County.

The aforementioned findings identify the local climatic, geographical and topographical conditions which this Board has considered in adopting this ordinance. The Board finds that these conditions make the modifications as set forth herein reasonably necessary as said modifications will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments to the building standards made as part of this ordinance based on local conditions.

**Section 10.** 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.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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

\_\_\_\_\_

\_\_\_\_\_  
Ted Williams, 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

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 18.04 OF THE MENDOCINO COUNTY CODE AND ADOPTING BY REFERENCE WITH LOCAL AMENDMENTS, SELECTED PROVISIONS, CHAPTERS AND APPENDICES OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, 2022 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING: (1) THE CALIFORNIA ADMINISTRATIVE CODE; (2) THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2; (3) THE CALIFORNIA RESIDENTIAL CODE; (4) THE CALIFORNIA ELECTRICAL CODE; (5) THE CALIFORNIA MECHANICAL CODE; (6) THE CALIFORNIA PLUMBING CODE; (7) THE CALIFORNIA ENERGY CODE; (8) THE CALIFORNIA HISTORICAL BUILDING CODE; (9) THE CALIFORNIA FIRE CODE; (10) THE CALIFORNIA EXISTING BUILDING CODE; (11) THE CALIFORNIA GREEN BUILDING STANDARDS CODE; (12) THE CALIFORNIA REFERENCED STANDARDS CODE; AND ADOPTING LOCAL FINDINGS**

The Mendocino County Board of Supervisors ordain as follows:

**Section 1.** Section 18.04.025 – California Codes Adopted, is hereby amended to read as follows:

**Sec. 18.04.025 - California Codes Adopted.**

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Mendocino County Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

- (A) CALIFORNIA ADMINISTRATIVE CODE, 2022 Edition, Part 1, as published by the International Code Council.
- (B) CALIFORNIA BUILDING CODE, 2022 Edition, Part 2, Volumes I and II, together with Appendix C (Agricultural Buildings); Appendix G (Flood Resistant Construction); Appendix H (Signs); and Appendix (I) Patio Covers as published by the International Code Conference subject to the changes and modifications set forth in Section 18.04.035 and other provisions of this Title.
- (C) CALIFORNIA RESIDENTIAL CODE, 2022 Edition, Part 2.5, together with Appendix AH (Patio Covers); Appendix AJ (Existing Building and Structures); Appendix AK (Sound Transmission); Appendix AR (Light Straw-Clay Construction); Appendix AS (Strawbale Construction); and Appendix AX (Swimming Pool Safety Act), as published by the International Code Council, subject to the changes and modifications set forth in Section 18.04.040 and other provisions of this Title.
- (D) CALIFORNIA ELECTRICAL CODE, 2022 Edition, Part 3, together with Annex H (Administration and Enforcement) as published by the National Fire Protection Association subject to changes and modifications set forth in Section 18.04.045 and other provisions of this Title.
- (E) CALIFORNIA MECHANICAL CODE, 2022 Edition, Part 4, as published by the International Association of Plumbing and Mechanical Officials subject to the changes and modifications set forth in Section 18.04.050 and other provisions of this Title.
- (F) CALIFORNIA PLUMBING CODE, 2022 Edition, Part 5, together with Appendix A (Recommended Rules for Sizing the Water Supply System); Appendix B (Explanatory Notes on Combination Waste and Vent

Systems); Appendix D (Sizing Storm Water Drainage Systems); Appendix I (Installation Standard); Appendix J (Combination of Indoor and Outdoor Combustion and Ventilation Opening Design), as published by the International Association of Plumbing and Mechanical Officials, subject to the changes and modifications set forth in Section 18.04.055 and other provisions of this Title.

- (G) CALIFORNIA ENERGY CODE, 2022 Edition, Part 6, as published by the International Code Council.
- (H) CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION, Part 8, as published by the International Code Council.
- (I) CALIFORNIA FIRE CODE, 2022 Edition, Part 9, as published by the International Code Council subject to changes and modifications set forth in Section 18.04.060 and other provisions of this Title.
- (J) CALIFORNIA EXISTING BUILDING CODE, 2022 edition, Part 10, as published by the International Code Council.
- (K) CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 Edition, Part 11, as published by International Code Council.
- (L) CALIFORNIA REFERENCED STANDARDS CODE, 2022 Edition, Part 12, as published by the International Code Council.

**Section 2.** Section 18.04.030 – Modifications to All California Codes Adopted: Board of Appeals, is hereby amended to read as follows:

**Sec. 18.04.030 - Modification to All California Codes Adopted: Board of Appeals.**

Each of the California codes adopted by reference by this Title is amended to provide that the appellate body referred to therein, whether it be the "Board of Appeals" in Section 113 of the California Building Code, 2022 Edition or any other similar provision in the remaining California codes, shall be the Board of Building and Housing Appeals as constituted and empowered by Section 2.24.030 of the Mendocino County Code. In the event of any inconsistency, Section 2.24.030 of the Mendocino County Code shall prevail.

**Section 3.** Section 18.04.035 – Modifications to California Building Code, is hereby amended to read as follows:

**Sec. 18.04.035 - Modifications to California Building Code.**

The California Building Code, 2022 Edition, as adopted in Section 18.04.025(B) of this Chapter, is adopted with the following changes and modifications:

Section 105.3.2 shall be amended to read as follows:

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more

extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section 109.6 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Appendix C: Agricultural Buildings: Section C102.1 shall be amended to read as follows:

General. Buildings classified as U Agricultural shall not exceed the area in Table C102.1 or the height limits in Title 20 of the Mendocino County Code.

Appendix H: Signs: Section H101.1 shall be amended to include the following as a second paragraph:

Notwithstanding any other provision of this appendix, all external lighting for signs shall be designed to be shielded or downcast in order to minimize the illumination of the nighttime sky.

Appendix H: Signs: Section H101.2 shall be amended to read as follows:

Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Nonilluminated signs painted on exterior surface of existing permitted or legal nonconforming buildings or structures.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 2.5 square feet (0.23 m<sup>2</sup>).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Temporary signs on grade that are no higher than 7 feet in height above grade and no more than 32 square feet in size.

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work done in any manner in violation of the provisions of Title 20 of the Mendocino County Code, or any other laws or ordinances of this jurisdiction.

Appendix H: Signs: Section H105.3 shall be amended to read as follows:

Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

Appendix H: Signs: Section H105.4 shall be amended to read as follows:

Seismic load. Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

**Section 4.** Section 18.04.040 – Modifications to California Residential Code, is hereby amended to read as follows:

**Sec. 18.04.040 - Modifications to California Residential Code.**

The California Residential Code, 2022 Edition as adopted in Section 18.04.025(C) of this Chapter, is adopted with the following changes and modifications.

Section R105.3.2 shall be amended to read as follows:

Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section R105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section R108.5 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.

3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

**Section 5.** Section 18.04.045 – Modifications to California Electrical Code, is hereby amended to read as follows:

**Sec. 18.04.045 - Modifications to California Electrical Code.**

The California Electrical Code, 2022 Edition, as adopted in Section 18.04.025(D) of this Chapter, is adopted with the following changes and modifications.

Annex H, Section 80.15 Electrical Board is deleted.

Annex H, Section 80.19(E) shall be amended to read as follows:

- (E) Fees and Fee Refunds.
  - (1) Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued.
  - (2) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
  - (3) The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
  - (4) The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
  - (5) The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Annex H, Section 80.19(H) shall be amended to include the following as a new paragraph (4):

- (4) Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as

determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Annex H, Section 80.19(H)(7) shall be amended to include the following new paragraph (5):

- (5) Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Annex H, Section 80.23, Notices of Violations, Penalties: Subsection (B)(3) is deleted.

Annex H, Section 80.27 Inspector Qualifications is deleted.

**Section 6.** Section 18.04.050 – Modifications to California Mechanical Code, is hereby amended to read as follows:

**Sec. 18.04.050 - Modifications to California Mechanical Code.**

The California Mechanical Code, 2022 Edition, as adopted in Section 18.04.025(E) of this Chapter, is adopted with the following changes and modifications.

Section 104.3.3 shall be amended to read as follows:

Section 104.3.3 Time Limitation of Application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in any time, for periods of not more than 180 calendar days



each. Each extension required payment of a fee as established by the Board of Supervisors.

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 104.5, Subsection 104.5.3 Fee Refunds shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

**Section 7.** Section 18.04.055 – Modifications to California Plumbing Code, is hereby amended to read as follows:

**Sec. 18.04.055 - Modifications to California Plumbing Code.**

The California Plumbing Code, 2022 Edition, as adopted in Section 18.04.025(F) of this Chapter, is adopted with the following changes and modifications:

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 104.5.3 shall be amended to read as follows:

**Fee Refunds.**

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for

refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.

3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

**Section 8.** Section 18.04.060 – Modifications to California Fire Code, is hereby amended to read as follows:

**Sec. 18.04.060 - Modifications to California Fire Code.**

The California Fire Code, 2022 Edition, as adopted in Section 18.04.025(H) of this Chapter, is adopted with the following changes and modifications:

Section 202 definition of FIRE CHIEF shall be amended to read as follows:

FIRE CHIEF. The chief officer of the fire department serving the jurisdiction, or a duly authorized representative; areas not located in the jurisdiction of a fire district shall be under the authority of the Building Official.

**Section 9.** Findings

Pursuant to Health and Safety Code Sections 17958, 17958.5 and 17958.7, the Board of Supervisors expressly finds that this ordinance and the changes or modifications made herein to the 2022 edition of the California Building Standards Code, including the amendment requiring one exterior hose bibb for each residence and the adoption of Appendices C, G, H and I of the California Building Code; Appendices AK, AR, AS and AX of the California Residential Code; Annex H of the California Electrical Code; Appendices A, B, D, I and J of the California Plumbing Code, are reasonably necessary because of local climatic, geological and topographical conditions. The Board of Supervisors further finds in connection therewith as follows that the following climatic, geological and topographical conditions exist in the County:

1. Mendocino County is a rural coastal county in a high seismic zone, two known fault zones in the county are the Maacama Fault Zone located between Hopland and Laytonville; and active breaks along the San Andreas fault between Bolinas Bay (Marin County) and up to Point Delgada (Humboldt County).
2. Mendocino County is made up of rugged coastal and inland mountains and foothills, with intermittent valleys. Surface soils in Mendocino County vary from expansive to alluvial fan material, both expansive. Expansive soils swell and shrink with variations in moisture content resulting in (1) differential “settlement” of structures, and (2) variations in surface storm water runoff. In addition, soft soils in combination with the presence of a high water table can cause liquefaction in some sites in the event of a major earthquake shaking.
3. The California Department of Forestry and Fire Protection has designated the majority of Mendocino County as being either a High Severity Zone or a Very High Severity Zone.
4. As provided by Chapter 16 of the 2022 edition of the California Building Code, Mendocino County has a basic wind speed of 110 miles per hour (3 second gust).

5. Rainfall generally occurs between October and April, but does not occur during the warm summer months, when temperatures can exceed 100 degrees in parts of the County. During the summer months, dry winds and vegetation mix to create a hazardous fuel condition, which causes grassland and brushland fires each year. Particularly during times of high temperatures and low humidity, a fire can move quickly through the County.

The aforementioned findings identify the local climatic, geographical and topographical conditions which this Board has considered in adopting this ordinance. The Board finds that these conditions make the modifications as set forth herein reasonably necessary as said modifications will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments to the building standards made as part of this ordinance based on local conditions.

**Section 10.** 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.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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

\_\_\_\_\_

\_\_\_\_\_  
Ted Williams, 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

## **ORDINANCE SUMMARY**

This Ordinance is making several updates, revisions, and additions to various chapters of Title 18 of the Mendocino County Code regarding Building Regulations. Chapter 18.04 is being amended by adopting by reference the 2022 editions of the California Building Standards Code. These new editions of the Building Standards Code become effective statewide on January 1, 2023. Amendments to Chapter 18.04 will also make certain revisions to those codes to reflect local conditions and administrative practices, and will adopt non-required appendices related to agricultural buildings, flood resistant construction, signs, patio covers, existing buildings and structures, sound transmission, light straw-clay construction, strawbale construction, swimming pool safety act, recommended rules for sizing the water supply system, explanatory notes on combination waste and vent systems, sizing storm water drainage systems, installation standards, combination indoor & outdoor combustion and ventilation opening design, and the Ordinance will adopt local findings for those revisions as required by State law.