



Board Agenda Item 52

DATE: December 13, 2016

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Amendment to County Ordinance Code, Title 15, Building and Construction

RECOMMENDED ACTION(S):

Conduct second hearing and take action to:

- 1. Approve proposed amendments to Fresno County Ordinance Code, Title 15, including the Statement of Local Findings, regulating building and construction within Fresno County;**
- 2. Approve the proposed Local Agency Management Program as referenced in the proposed amendments to Title 15 and, upon final Board action, direct staff to forward the Local Agency Management Program to State Water Resources Control Board for review and approval; and**
- 3. Waive reading of the Ordinance in its entirety.**

The first hearing of this item was conducted on December 6, 2016. The Approval of the recommended action is necessary to bring Fresno County into compliance with the currently adopted State Building Standards Code set to take effect on January 1, 2017. Also included in the proposed amendments is the draft Local Agency Management Program (LAMP) necessary to attain compliance with the mandated State Water Resources Control Board (Regional Board) On-site Wastewater Treatment Systems (OWTS) Policy.

ALTERNATIVE ACTION(s):

None available. The State Building Standards Code takes effect on January 1, 2017, even if the Board determines not to approve the recommended action. Not approving or taking no action would still require the County to enforce the Codes as adopted by the State of California. In addition, the deadline for action on adoption of the LAMP is critical in that upon Board action, the LAMP will be forwarded to the Regional Board for approval. If the Regional Board does not approve the LAMP by May 13, 2017, the County will be forced into Tier I which would result in more stringent requirements and not afford flexibility for County residents.

FISCAL IMPACT:

There is no net County cost associated with the recommended action. Preparation of this Agenda Item and activities associated with implementation of the revised standards are funded by permit revenue. Preparation of LAMP is funded by an account administered by the Department of Public Health, Environmental Health, Land Use & Vector Contingency Fund, Dept 5620, Cost Center 4886, Account 7295.

DISCUSSION:

Compliance with the State Building Codes is mandatory pursuant to California Health and Safety Code Sections 17960 and 17961. The fundamental purpose of building codes is to ensure that structures are constructed to an appropriate minimum standard and are safe for the uses intended. Building codes exist in order to protect the life, health and safety of the public who will inhabit the buildings.

The major objectives of typical amendments to Title 15 are to: 1) formally adopt the State Building Standards Code; 2) identify and update local amendments as needed which adapt the State Code to local needs; and 3) provide procedures that provide uniform enforcement of the Codes and public safety. Title 15 was last amended in its entirety on November 12, 2013 (adoption date), to bring it into compliance with the 2013 edition of the California Building, Residential, Plumbing, Mechanical, Fire and Electrical Codes, as amended and adopted by the State. As noted, the State has since adopted the 2016 Editions of these model codes, with State amendments for the 2016 California Codes. Approval of the recommended action will bring Title 15 into compliance with the California Building Standards Code published by the State in July 2016, with an effective date of January 1, 2017.

The Department of Public Works and Planning, Development Services Division, administers and enforces all provisions of Title 15. While reviewing the new code update, staff has identified provisions in the existing County ordinance that need to be revised/edited in order to align with minimum State law that will need to be implemented. The amendments proposed to the County Ordinance Code will maintain compliance with State Code. In this current update cycle, there are no local changes proposed that are more restrictive than the State Code and many of the amendments are administrative in nature (deletion due to redundancy, relocation, or relocation of sections, minor edits related to terminology, changing of dates, etc.). A summary of the proposed amendments and renumber sections that ensure consistency with the State Code are attached as Exhibit 1. Exhibit 2 is a draft of the Title Ordinance Code depicting the proposed edits with strikethrough and new text. Exhibit 3 is the Statement of Local Findings, which is required to be adopted by the Board per State law. The Findings are required as part of Title 15 update and therefore, the Board's action to adopt Title 15 will include adoption of the Findings.

As noted above, unique to this cycle is the necessary adoption of the LAMP. By way of background, on February 2, 2016, the Board considered and an item outlining the impacts and options between the Tier 1 approach vs. preparation of a LAMP under Tier 2. Upon consideration, the Board directed staff to proceed with development of a Local Area Management Program (LAMP) under Tier 2.

Since receiving the Board direction, Staff of the Department of Public Health and Department of Public Works and Planning work with the County retained consultant (Northstar Engineering) to prepare a program that works within the existing State Plumbing Code while satisfying the basic objectives of the State OWTS Policy. Briefly, the proposed LAMP includes provisions that will: require site specific evaluation for septic design (in areas not requiring engineered septic design), allow septic repairs, allow seepage pits as needed for repairs, prohibit the use of cesspools, allow density of one dwelling for two acres with provisions for a variance for specific review to allow greater density (OWTS limits one dwelling per 2.5 acres with no variance). A summary of the proposed key LAMP provisions is attached as Exhibit 4. As noted previously, the LAMP must be approved by the Regional Board by May 13, 2017 and must be implemented by May 13, 2018. The LAMP standards will be incorporated into Title 15 by reference and reflect the May 13, 2018 implementation date. The full LAMP document is attached as Exhibit 5.

Notices of the upcoming changes to the Code have been posted at the Development Services Division's permit counter for the past two months and distributed to contractors at job sites by the Department's Building Inspectors. Staff has also been distributing a summary of the Code changes to customers who come to the permit counter. Notice of the Code Change has been provided to the Building Industry Association (BIA), Fresno County Farm Bureau and Cal Fire. In addition, the proposed amendments were made available on the Department's webpage. With regard to the LAMP, a public stakeholder meeting was conducted on October 19, 2016 to inform those contractors and designers in the on-site disposal industry. The BIA was also invited to

attend the public meeting.

REFERENCE MATERIAL

BAI #6, February 2, 2016
BAI #8, December 6, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits 1 - 5
On file with Clerk - Ordinance

CAO ANALYST:

John Hays