



COUNTY OF MENDOCINO

Board of Supervisors

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**RESPONSE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO THE
2024-2025 MENDOCINO COUNTY CIVIL GRAND JURY REPORT:
PLANNING AND BUILDING DEPARTMENT
STRUCTURAL ISSUES: EXPOSING THE CRACKS**

RESPONSE TO FINDINGS:

F1. *Mendocino County Planning and Building Services is misusing the intent of the Limited Density Rural Dwelling Permit/Class K resulting in inconsistent processing of applications.*

Disagree Wholly. The Planning and Building Services Department ("PBS") processes Limited Density Rural Dwelling/Class K permits consistent with Board of Supervisors direction and the County Ordinance. While it is not clear what evidence the Grand Jury based this finding upon, it would appear that assumptions are made on the part of the Grand Jury regarding potential misuse of Class K structures and it appears the Grand Jury may not have understood PBS permitting processes as they pertain to Limited Density Rural Dwelling/Class K permits. As will be more fully addressed in this Response, a thorough review of each of the five properties identified in the report demonstrates PBS compliance with County Code and CALFIRE's applicable section 4290 processes.

The Grand Jury references that PBS currently allows permits to be issued for a "range of structures that do not meet the criteria described in California Health and Safety Code 17958.2, and Mendocino County Code Chapter 18.23 §18.23.030" and provides a list of examples of types of structures that they believe violate Class K requirements. The listed examples include "commercial barns" and "autosshops" but based upon the information provided within the remainder of the report it is unclear how the Grand Jury has concluded that these structures were commercial in nature at the time that PBS issued the building permits for the structures. PBS permit review is based upon the information provided by the applicant. PBS cannot base a permit decision upon potential future misuse of the structure by the owner.

It is important to note that Mendocino County Code (MCC) section 18.23.030 provides, in part, that the provisions of the Chapter applies "to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-

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built rural dwellings and appurtenant structures”. The Grand Jury Report mistakenly states that changes were made to MCC section 18.23.030 as part of the 2023 adoption of Ordinance No. 4526. It should be noted that MCC section 18.23.030 has not been amended since its original adoption in 1981. This language regarding appurtenant structures is also contained in the *Intent and Application* in section 76 of Title 25 of the California Code of Regulations. State regulations include allowance for appurtenant structures and this allowance is mirrored in County Code. PBS has permitted appurtenant structures such as storage structures, workshops, hoop houses, etc. under Class K regulations for decades.

The Grand Jury report, on page 6, references that 17% of all permits issued in 2018 were for Class K housing. It is unclear what data the Grand Jury relied upon in determining this number. PBS reviewed data from the County’s permit tracking software, TRAKiT, specifically TRAKiT custom report- MENDOPBS005 permits sorted by type, to determine the number and percentage of Class K permits issued by the Department compared to all building permits. The data showed that in the 2018 calendar year 9% as opposed to 17% of all permits issued were Class K permits. PBS provides the following tables demonstrating number of permits processed as Class K compared to all building permits for fiscal years 17/18 through 23/24 and calendar years 2018 through 2024.

Fiscal Year	Class K Permits	Total Building Permits	Percentage of Permits that are Class K
17/18	233	2681	9%
18/19	223	2944	8%
19/20	122	3328	4%
21/22	95	3551	3%
22/23	111	3099	4%
23/24	125	2482	5%

Calendar Year	Class K Permits	Total Building Permits	Percentage of Permits that are Class K
2018	255	2741	9%
2019	167	3607	5%
2020	106	2994	4%
2021	78	3571	2%
2022	103	3232	3%
2023	124	2982	4%
2024	117	2297	5%

The Grand Jury report, on page 7, states that since 2022, the percentage of Class K building permits has more than doubled compared with 2018, and states that in 2024 a “record high of 44%” of all issued permits were Class K. This is factually incorrect as shown in the above tables based upon data pulled from TRAKiT. The Grand Jury report also includes a graph “Total Class K vs Standard Building Permit” which states that it does not include data for solar, roofing or electrical upgrades. It is unclear what data the Grand Jury relied upon to

produce the information contained within this graph. PBS reviewed data from TRAKiT, specifically TRAKiT custom report- MENDOPBS005 permits sorted by type, excluding all utility, solar, or reroofs, to determine the percentage of Class K permits issued by the Department compared to all building permits excluding solar, roofing or electrical upgrades. The data showed that in the 2024 calendar year a total of 6% as opposed to 44% of permits issued were Class K permits. PBS provides the following tables demonstrating number of permits processed as Class K compared to all building permits for fiscal years 21/22 through 23/24 and calendar years 2022 through 2024, excluding all solar, roofing or electrical upgrades.

Fiscal Year	Class K Permits	Building Permits excluding solar, roofing or electrical	Percentage of Permits that are Class K
21/22	95	3094	3%
22/23	111	2603	4%
23/24	125	2123	6%

Calendar Year	Class K Permits	Building Permits excluding solar, roofing or electrical	Percentage of Permits that are Class K
2022	103	2741	4%
2023	124	2542	5%
2024	117	1884	6%

An example of potential misunderstanding of Class K is found in the Grand Jury Report at page 9, in the second paragraph which references findings included in the adoption of Ordinance No. 4526 and implies (albeit incorrectly) that because the ordinance findings reference the County's mountainous terrain and lack of developed roads as a reason supporting the ordinance that in order for a Class K permit to issued, that a property must be located in an area that possesses these features. No such restriction exists in the Code. MCC section 18.23.260 broadly defines "Rural" for the purposes of Class K regulations as "those unincorporated areas of the County designated and zoned for one (1) acre minimums or larger acre minimums. In addition, for a legal parcel to qualify as 'rural,' the parcel shall be no less than one (1) acre in size."

Further discussion regarding the Grand Jury's potential misunderstanding of how PBS permitting processes pertain to Class K permits particularly as it relates to CALFIRE and building permit inspections is included in the responses to Findings 3 & 4.

The Grand Jury also provided five property examples of what they believe are evidence of misuse of Class K by PBS and examples of "the lack of policies and procedures and accountability within PBS". PBS reviewed the five properties and provided corrections to factual inaccuracies within the Grand Jury Report as detailed in the following subsections and additional information regarding each property.

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Property One

The first example provided in its report “Property One” is stated to be a “4,000 square foot, three story home built in 2014”. While “Property One” was not identified to PBS or in the report, PBS believes it to be 15555 Mariposa Creek Road and specifically Building Permit #BU_2018-0606.

The facts surrounding BU_2018-0606 are that this building permit was submitted as an amnesty permit under the amnesty program in 2018. Based upon the permit application, it was stated by the property owner that portions of the structure were the pre-existing, and permitted, residence and that non-permitted additions were made over several decades to the residence which they were seeking amnesty approval of. The Grand Jury report notes that the additions were constructed circa 2014.

The Grand Jury report states that the building permit was issued on April 18, 2018; however, that is the date that the building permit application was submitted to PBS. The permit was not issued until September 11, 2024, and the permit is currently valid with an expiration date of September 11, 2027. The reinstatement referenced in the Grand Jury Report was reinstatement of the permit application as all building permit applications expire one year after submittal.

The Grand Jury report alleges that the structure was in clear violation of Class K regulations in effect in 2018; however, as acknowledged in the report, the structure was constructed in 2014 (notably at a time when the Class K regulations were different than those adopted on March 13, 2018). Prior to March 13, 2018, MCC section 18.23.250 included the two- and one-half story limitation but did not include a square footage limitation on size. In addition, on September 12, 2023, Ordinance No. 4526 removed both the two- and one-half story requirement and the square footage limitation. The permit was reviewed under the regulations in effect prior to March 13, 2018, as is allowable under MCC section 18.23.310. It should be further noted that a review of the elevation drawings and cross sections of the construction plans for BU_2018-0606 do not show the structure exceeding two stories. The structure is stepped down with the slope but there is no portion of the structure that is three stories in height.

It appears the Grand Jury assumed or misunderstood any information they reviewed related to said property which led them to believe that PBS issued a permit in 2018 for the structure, which is factually incorrect. Factual inaccuracies of this nature appear to have formed the basis of the Grand Jury’s findings regarding alleged misuse of Class K and alleged failures of PBS.

Property Two

“Property Two” was not identified to PBS or in the report. PBS believes it to be 40401 Little River Airport Road. The Grand Jury Report notes that the site contains two unpermitted homes. PBS has never received a complaint for two unpermitted homes on the property. It is also stated that there is unpermitted cannabis cultivation on the property, but the Grand Jury Report does not contain any statements regarding whether the cultivation is within the limits of personal cultivation allowed by MCC section 10A.17.030. PBS has no record of a 2013

complaint, as is suggested in the Grand Jury Report. The following is a timeline of the permitting and Code Enforcement history on the property:

- 2/28/1996: Code Enforcement Case BC_1996-0014 opened for a “unpermitted MH”.
- 2/29/1996: PBS receives copy of letter sent by Environmental Health to the property owner indicating that there was an illegal single-wide trailer at the property that was being rented. EH gave until April 1, 1996 to have the renter vacate the trailer.
- 8/31/1998: Building Permit FB 98900828 applied for to construct a Garage/Studio. Note on permit says “temp. res to be converted to workshop” but this language was then struck out and instead a note added striking the word “studio” and adding “SFR per prop. owner 12/1/1998”.
- 9/17/1998: Permit FB 98900828 issued for single family residence and garage. CALFIRE Clearance 165-98.
- 12/1/1998: Notes placed on permit application and issued permit that per property owner the permit was now intended to be a single family residence and garage.
- 8/11/2000: FB 98900828 Finaled.
- 11/15/2007: BF_2007-0926 applied for and issued to repair electrical service meter main.
- 11/19/2007: BF_2007-0926 Finaled.
- 3/25/2013: Code Enforcement Case BC_1996-0014 closed noting “two permit issued for sfr and elec. Finaled. Closing case.”
- 8/31/2020: Anonymous complaint filed for “cannabis cultivation”. IC_2020-0447 opened on property.
- 9/16/2020: Code Enforcement Officers attempted to locate the site. They were unable to locate the stated address to the complaint filed. They also researched the location on google earth prior to going to the area to identify the property location. The case was closed after being unable to locate the reported address. Note that review of google streetview images from 2019 and 2024 make it very challenging to see the address. The 2019 image shows a mailbox sitting on the ground that says “40401”.

Property Three

“Property Three” highlights assumptions made by the Grand Jury that PBS issued a permit for commercial activities including an autoshop. “Property Three” was identified in the Grand Jury Report Appendix D with the Use Permit application number and numerous Building Permit numbers as well as the property owner’s last name. In addition, the Grand Jury redactions could be manipulated by any reader showing the property address of 24190 Prairie Flower Road.

Building Permit #BF_2016-0971 was the permit for the construction of a Class K workshop to replace a demolished pole barn on “Property Three”. The permit was issued on November 18, 2016, and finaled on April 7, 2023. To address a Code Enforcement complaint and violation of operating an auto repair shop at the subject property, Use Permit U_2018-0022 was applied for and obtained by the property owner to conduct a Cottage Industry of an auto repair shop. The Use Permit would have required that the occupancy classification of the Class K Workshop (BF_2016-0971, which at that time had not received a final inspection) be changed to a commercial occupancy and compliance with the requirements for that occupancy change.

The property owner chose to discontinue the auto repair business and allowed the Use Permit to expire without ever making use of it. The property owner then reinstated BF_2016-0971 (which had expired) and stated on the reinstatement form received November 28, 2022, that "I have stopped pursuing the cottage industry use permit and want to finalize my home shop/storage facility for personal use". The permit was reinstated and subsequently finalized on April 7, 2023.

An allegation of potential misuse of the structure after receiving the County's final inspection is not evidence of misuse of the intent of Class K by PBS in the issuance of a permit. If a property owner has chosen to misuse the structure after receiving the County's final inspection, any compliance issues would be handled through a Code Enforcement process, as is currently underway for "Property Three".

Property Four

"Property Four" was not identified to PBS or in the report. PBS believes it to be 1605 South State Street. It is unclear what evidence the Grand Jury examined that indicated a "Commercial business being targeted due to the owner's previous interactions with PBS" or the "the perception of favoritism, possible retaliation, bias and lack of accountability" or what "policies and procedures" would correct this presumed situation. It is important to clarify that the complaint received was for "no permits commercial business, expired permits, building and containers no permits, fire hazard."

On December 10, 2024, the Determination Response from the Planning Division was returned to the Code Enforcement Division regarding the classification of the use that was occurring on the property and whether it was a permissible use in the zoning district. At that time, the Planning Division solely responded to whether a Construction Sales and Services business was a permissible use type within the C-1 Limited Commercial Zoning District. As stated in the December 10, 2024, Determination Response, it was determined that it was not a permissible use type within the zoning district. With the prior Determination Response, the Planning Division had not reviewed if there was a non-conforming use.

The Planning Division reviewed the property history to determine if a non-conforming use was present. Business License #12537 was approved by Planning and Building Services on January 11, 1996, for Lee Howard Construction Company. The approved business license indicated the intention to conduct construction related activities akin to the Construction Sales and Services use type on the entirety of the property, which is comprised of three separate legal parcels (Assessor Parcel Numbers 003-330-59, 003-330-60, 003-330-61). The Business License was continually renewed since its original issuance and is currently valid with an expiration date of February 28, 2026.

As the Construction Sales and Services use was approved by Planning and Building Services in 1996 and had not been abandoned or converted to another use, the Planning Division determined that the Construction Sales and Services activity that was approved in the 1996 Business License is non-conforming and may continue to operate.

The fact pattern shows that the Department re-reviewed the circumstances surrounding an initial determination regarding compliance of the activities at the site with zoning requirements and concluded that the use was non-conforming and could continue to operate.

Property Five

“Property Five” was not identified to PBS or in the report. PBS believes it to be 1900 Low Gap Road. The Grand Jury report alleges that this site shows “blatant misuse of the Class K permit, unpermitted structures and lack of policy and procedures.” It also alleges that “the shop and both solar systems located on the property are still not permitted and the residence does not meet the requirements outlined in PRC 4290.” Note that the Grand Jury report does not identify what requirements the residence does not meet as it pertains to PRC 4290 requirements.

The Grand Jury report focuses primarily on the residence, shop and solar array. The Class K residence was permitted under BU_2011-0442 and its associated addition under BU_2015-0887. Both permits received a final inspection on 6/18/2024 after PBS received the required CALFIRE letter of approval stating compliance with PRC 4290 (dated 6/6/2024). The Class K shop submitted as BU_2011-0347 was converted to an ag-exempt shop via BU_2020-1866. The Ag Exempt Shop received a final inspection on 6/18/2024 after PBS received the required CALFIRE letter of approval stating compliance with PRC 4290 (dated 6/6/2024). A ground mount solar array was permitted under BU_2020-1865 which received a final inspection on 12/2/2024.

The following is a timeline of the permitting history for the property including CALFIRE clearances for consistency with PRC 4290:

- 6/13/2011: CALFIRE State Fire Safe Regulations Application form submitted to Mendocino Unit. CDF File Number 129-11. The application specifies a 1200 square foot house and 512 square foot shop.
- 6/14/2011: BU_2011-0347 applied for a Class K “16 x 32 shop. No electrical, no plumbing, no mechanical.” Notation by staff at top of permit says “Needs Cal-Fire”.
- 6/15/2011: CALFIRE clearance Conditions of Approval issued CDF File Number 129-11.
- 7/25/2011: BU_2011-0442 applied for a “Class K house. 1 bedroom. 933 square feet. Circular in shape. Post and pier foundation.” CALFIRE clearance provided CDF File Number 129-11.
- 6/15/2012: Letter sent to property owner regarding observance of unpermitted construction and provided deadline of July 25, 2012 to comply with plan check correction letter for BU_2011-0442. Referenced Code Enforcement case was BI_2012-0041.
- 12/5/2013: Notice of Violation mailed to property owner.
- 1/14/2014: Notice of Violation and Intent to File a Lien mailed to property owner.
- 3/27/2014: BU_2011-0442 for Class K residence issued. CDF File Number 129-11.
- 4/2/2014: Notice of Violation Lien recorded for Code Enforcement Case Number BI_2012-0041 for non-permitted construction of a dwelling and non-permitted grading of a road and building pad.

- 10/15/2015: CALFIRE State Fire Safe Regulations Application form submitted to Mendocino Unit. CALFIRE File Number 221-15 for “2 BR, 2 Bath addition to existing yurt”.
- 10/21/2015: CALFIRE clearance conditions of approval issued CALFIRE File Number 221-15 for residence addition.
- 12/8/2015: BU_2015-0887 submitted for “2 BR, 3 Bath Addition to an Existing Yurt”. CALFIRE File number 221-15 referenced.
- 2/3/2016: BU_2015-0887 Class K Addition to Yurt issued.
- 9/16/2019: CALFIRE State Fire Safe Regulations Application submitted to Mendocino Unit. CALFIRE File #499-19. Application specifies “1 Ag shed 15 x 30, 1 Ag Container 8 x 20, 4 Hoop Houses 12 x 80, 1 Hoop House 12 x 60”
- 9/19/2019: CALFIRE clearance Conditions of Approval issued CALFIRE FILE #499-19.
- 9/21/2020:
BU_2020-1865 submitted for Ground Mount Solar.
BU_2020-1866 applied for to convert Class K shop under BU_2011-0347 to Ag Exempt structure for cannabis.
BU_2020-1863 submitted for Ag Exempt Shipping Container.
BU_2020-1858 submitted for Hoop House #1.
BU_2020-1859 submitted for Hoop House #2.
BU_2020-1860 submitted for Hoop House #3.
BU_2020-1861 submitted for Hoop House #4.
BU_2020-1862 submitted for Hoop House #5.
BU_2020-1864 submitted for Shipping Container.
- 9/29/2020: CALFIRE Conditions of Approval issued FILE #384-20 for a “Commercial” project type.
- 1/4/2021: BU_2021-0001 submitted for Hoop House #6.
BU_2021-0002 submitted for Hoop House #7.
BU_2021-0003 submitted for Hoop House #8.
BU_2021-0004 submitted for Hoop House #9.
BU_2021-0005 submitted for Hoop House #10.
BU_2021-0006 submitted for Hoop House #11.
- 7/1/2022: BU_2021-0004 Cancelled.
BU_2021-0005 Cancelled.
BU_2021-0006 Cancelled.
Note for cancellation of all three permits states changing use from cannabis to veggies and structures are under 120 square feet and therefore do not need a permit.
- 2/2/2023: BV_2023-0032 applied for to legalize grading to abate violation.
- 4/25/2023: BU_2020-1866 issued for Ag Exempt structure (previously Class K shop”. Description for permit is “Convert Class K Shop BU_2011-0347 to Ag Dry Shed”. CALFIRE #499-19 referenced.
BU_2020-1863 issued for a Shipping Container. CALFIRE #499-19 referenced.
BU_2020-1858 issued for Hoop House #1. CALFIRE #499-19 referenced.
BU_2020-1859 issued for Hoop House #2. CALFIRE #499-19 referenced.
BU_2020-1860 issued for Hoop House #3. CALFIRE #499-19 referenced.
BU_2020-1861 issued for Hoop House #4. CALFIRE #499-19 referenced.
BU_2020-1862 issued for Hoop House #5. CALFIRE #499-19 referenced.

BU_2020-1864 issued for Shipping Container. CALFIRE #499-19 referenced.

BU_2021-0001 issued for Hoop House #6. CALFIRE #384-20.

BU_2021-0002 issued for Hoop House #7. CALFIRE #384-20.

BU_2021-0003 issued for Hoop House #8. CALFIRE #384-20.

BV_2023-0032 issued to legalize grading.

- 4/26/2023: BV_2023-0032 Finaled.
- 7/19/2023: Request for Permit Reinstatement submitted for BU_2011-0442 and BU_2015-0887.
- 6/6/2024: CALFIRE Notice of Final Inspection noting compliance with CALFIRE numbers 221-15, 384-20 and 499-19.
- 6/18/2024:
 - BU_2011-0442 Finaled.
 - BU_2015-0887 Finaled.
 - BU_2020-1858 Finaled.
 - BU_2020-1859 Finaled.
 - BU_2020-1860 Finaled.
 - BU_2020-1861 Finaled.
 - BU_2020-1862 Finaled.
 - BU_2020-1863 Finaled.
 - BU_2020-1864 Finaled.
 - BU_2020-1866 Finaled.
 - BU_2021-0001 Finaled.
 - BU_2021-0002 Finaled.
 - BU_2021-0003 Finaled.
- 7/5/2024: BU_2024-0507 submitted for ag exempt shipping container.
BU_2024-0508 submitted for ag exempt shipping container.
- 8/13/2024: BU_2024-0507 issued.
BU_2024-0508 issued.
- 9/26/2024: BU_2024-0507 Finaled.
BU_2024-0508 Finaled
- 11/5/2024: BU_2020-1865 Issued.
- 12/2/2024: BU_2020-1865 Finaled.
- 4/10/2025: BU_2025-0183 submitted and issued for demolition of 3 shipping containers.
- 4/16/2025: BU_2025-0183 Finaled.

F2. *Class K permits are currently being issued for uninhabitable structures that do not meet the established criteria in MCC Chapter 18.23, threatening the life, welfare and property of our County residents.*

Disagree Wholly. PBS issues Class K permits for uninhabitable structures consistent with Board of Supervisors Direction, the County Ordinance, and State Regulations. The Grand Jury report does not provide sufficient evidence to demonstrate how uninhabitable structures do not meet the criteria for Chapter 18.23. While it is not clear what evidence the Grand Jury based this finding upon, it would appear that assumptions are made on the part of the Grand Jury regarding potential misuse of Class K structures as described further in Finding 1 above. Speculation of misuse is not a valid reason to disqualify a property owner

from constructing a Class K structure. Improper use of Class K structures following issuance of a permit would be handled through Code Enforcement processes.

F3. *Mendocino County Planning and Building Services has failed to enforce PRC 4290 in the State Responsibility Area on pre-existing habitable, commercial and industrial buildings, creating a significant life safety hazard.*

Disagree Wholly. PBS handles Public Resources Code (“PRC”) section 4290 as outlined in the procedure provided by CALFIRE dated October 8, 2021, (attached hereto as **Attachment A**), including all updates to the procedure made by CALFIRE where PBS has been notified of such updates. It should be noted that CALFIRE updated its review procedure on July 17, 2025, (attached hereto as **Attachment B**). As provided in section 1A of the October 8, 2021, CALFIRE Procedure and July 17, 2025, CALFIRE Procedure, existing habitable structures are inspected through the Defensible Space Program. CALFIRE provides a LE-100(a) form after completing a Defensible Space Inspection which is provided by the applicant to PBS prior to PBS finalizing the building permit. The Grand Jury report does not provide any evidence as to how PBS has failed to enforce PRC 4290 for commercial and industrial buildings.

This finding appears to be the result of possible incomplete information considered by the Grand Jury, as it is unclear from the report if CALFIRE was consulted during the Grand Jury’s investigation or if review of the attached procedures was considered by the Grand Jury prior to the publication of its report. As noted in the CALFIRE Procedures (Attachments A and B) CALFIRE, not the County, is responsible for performing inspections and other actions required by the regulations unless that has been specifically delegated to local jurisdictions or the local jurisdiction has expressly assumed those duties.

F4. *The current inspection practice by PBS for pre-existing unpermitted homes is a deviation from the required inspection process outlined in MCC Title 18, Chapter 18.23.160. This deviation from the County Code threatens the life safety of any person inhabiting the structure.*

Disagree Wholly. The Grand Jury appears to misunderstand the PBS processes surrounding inspections for after-the-fact Class K residences. The Grand Jury report does not provide factual evidence to support this finding as to how PBS inspection processes related to after-the-fact Class K residences results in a circumstance that “threatens the life safety of any person inhabiting the structure.” As an initial note, Section 18.23.160 specifically applies to “all new buildings or structures.”

PBS handles inspections for after-the-fact Class K residences based upon the verified date of construction of the residence. If an applicant can prove that the residence was constructed prior to March 13, 2018 (the effective date of Ordinance No. 4404), PBS reviews the project under the applicable Class K ordinance in effect at the time of construction (including the required number of inspections). The Class K ordinance in effect prior to March 13, 2018, required one inspection (a final inspection). When PBS conducts a final inspection for a structure under the prior Class K ordinance, they may require that portions of work completed be removed or walls opened up to demonstrate compliance with Class K standards. In the event that PBS is requesting that the applicant expose covered up work,

they are provided with the option to instead have a licensed professional in that trade certify that the work was completed to standard.

For structures constructed after March 13, 2018, PBS requires that prior to issuance of the building permit that the applicant demonstrates foundation compliance consistent with Administrative Bulletin 1 and Building Policy 03. Administrative Bulletin 1 and Building Policy 03 require that a California licensed engineer or architect conduct a site investigation of the foundation including documenting the conditions found at the site, foundation depths, widths and lengths, rebar size, locations and spacing, and anchor bolt size, length and spacing. The resulting report is required to include a statement that the work has been found to be consistent with the approved plans and/or current building code requirements and wet stamped and signed by the California licensed engineer or architect attesting to the validity of the report. If the structure is fully complete, PBS handles all required inspections as part of the final inspection process. When PBS conducts a final inspection for a structure, they may require that portions of the work completed be removed or walls opened up to demonstrate compliance with Class K standards. Alternatively, an applicant is also afforded the option to hire a licensed professional in the trade to certify that the work was completed to applicable code standards.

F5. *There is a lack of comprehensive formalized policies and procedures within all divisions in PBS. This lack of clearly written guidelines leads to inconsistent practices, an increased risk of non-compliance and inefficiencies, including but not limited to the handling of permits, inspections and fees.*

Disagree Wholly. It is unclear what evidence the Grand Jury may have relied upon in making this finding as there was no reference to the number of policies or procedures reviewed or if such documentation was requested of PBS. In addition, it is unclear what the Grand Jury would consider to be “comprehensive formalized policies and procedures.” PBS has clear policies and procedures that relate to the handling of permits, inspections and fees. PBS continues to prepare and revise policies and procedures regularly. Since the current PBS Director took the position, the Department has established procedural workflows both internal and public facing. These procedural workflows provide a step-by-step process for staff and guidance for the public on the process for building permits, discretionary projects, and investigations. The public facing procedural workflows are available on the PBS website at: <https://www.mendocinocounty.gov/departments/planning-building-services/administration-and-grants>.

F6. *The lack of formalized policies and procedures has resulted in the absence of a clear framework for assessing staff performance in the timely processing of permits, inspections and fees. Without mechanisms for employees or managers to evaluate performance, there are no checks and balances in place to ensure compliance with best practices or established expectations, leaving room for inefficiencies and inconsistent results.*

Disagree Wholly. PBS undertook the preparation of individualized performance expectations for all employees. Written job performance standards (commonly referred to as “Performance Expectations”) across all divisions were formally completed in October 2024; however, some divisions have utilized them for their employees as far back as 2017. It is

unclear from the Grand Jury report if the Grand Jury requested or reviewed any of the performance expectations that were prepared by the Department as part of its investigation. In addition to performance expectations for each staff member, PBS expanded the Employee Performance Reports (a standardized template used throughout the County) by implementing a guide that defines the department's standards and how to measure employees' ability to meet key performance benchmarks and have successfully implemented them since February 2024.

F7. The lack of a comprehensive structured training process leaves employees struggling to understand their roles, responsibilities and expectations, leading to errors in the office and in the field.

Disagree Wholly. The Grand Jury report does not provide any factual evidence to support this finding. It is also unclear whether the finding is intended for all of PBS or a specific division. While it is unclear what evidence supports this finding, considering the significant errors noted in Finding 1 regarding the five example properties within the Grand Jury report, it raises concerns regarding the basis for which any findings may have been made that relied upon those property examples.

PBS trains staff regularly, typically structured as regular staff meetings and for some divisions such as the Building Division they also have required certifications that they must keep up to date including any continuing education requirements. Certifications demonstrate that the individual possesses the understanding and application of the building codes related to the specific certification they are obtaining. The certifications that each Building Inspector possesses, determines the type of permits they may review and/or inspect without the oversight of another inspector who is certified in those standards. Continuing education requirements consist of ensuring that inspectors remain up to date on changes to building codes, administration, and inspection practices.

In addition, all but one officer in the Code Enforcement Division are California Association of Code Enforcement Officer (CACEO)-certified, and the remaining officer is currently in the process of obtaining the certification. The designation of Certified Code Enforcement Officer (CCEO) demonstrates proficiency in the enforcement of codes and demonstrates commitment to excellence in the profession. The CCEO designation elevates not just the professionalism of code enforcement officers, but the commitment of the profession to the safety and well-being of the community. Training obtained through CCEO designation includes Field Activities, Basic Inspections, Case Documentation, Officer Safety, Building & Property Maintenance Violations, Land Use, Health & Safety, Legal Aspects, Ethics & Professionalism and Customer Service. In addition, CACEO certification provides training in code enforcement principles such as, but not limited to, ethics, critical thinking, officer safety-drug/ gang awareness, criminal and civil law concepts, evidence and testimony, documentation and evidence procedures, vehicle abatement, substandard housing and landlord/tenant disputes. All Code Enforcement Officers are also trained and certified in stormwater management and inspections.

Discussion of procedural workflows is included under the response to Finding 5 above.

F8. *The lack of enforcement of the PRC 4290 by PBS has created an environment that allows hundreds, possibly thousands, of homes to be built that cannot be accessed by emergency personnel and their vehicles.*

Disagree Wholly. The Grand Jury report does not provide any factual evidence to support this finding. As noted in the response to Finding 3, PBS handles PRC section 4290 compliance consistent with the procedure issued by CALFIRE. CALFIRE is the agency responsible for completing PRC section 4290 related inspections including Defensible Space Program inspections for existing non-permitted residences. It is unclear as to how the Grand Jury arrived at this conclusion.

F9. *The absence of established training programs and policies and procedures creates life safety hazards that threaten all residents in Mendocino County and places all first responder personnel at risk.*

Disagree Wholly. The Grand Jury report does not provide any factual evidence as to how PBS practices create “life safety hazards that threaten all residents in Mendocino County and places all first responder personnel at risk.” PBS training is discussed in response to Finding 7 and policies and procedures are discussed in response to Finding 5.

F10. *The Board of Supervisors has not provided adequate leadership, which allows PBS to remain mired in a cycle of ineffective past practices. Change and accountability are critical.*

Disagree Wholly. The Grand Jury report does not provide any factual evidence to support this finding. PBS training is discussed in the response to Finding 7 and policies and procedures are discussed in response to Finding 5.

F11. *Without the foundation of solid policies and procedures, the current practice of allowing discretion by staff creates an environment for potential litigation for the County.*

Disagree Wholly. The Grand Jury report does not provide any factual evidence to support this finding. The Grand Jury does not provide specific examples of how any discretion has been exercised by staff nor how any actions by PBS have created higher potential for litigation beyond the normal course of business. This would appear to be an anecdotal statement by the Grand Jury. A discussion regarding PBS policies and procedures is included in the response to Finding 5 above.

F12. *The Limited Density Rural Dwelling/Class K Ordinance, originally justified as a tool to address Mendocino County's housing shortage, has not served this purpose. Instead of facilitating the construction of needed housing, the ordinance has primarily allowed builders to circumvent standard building codes and regulations.*

Disagree Wholly. The Grand Jury report does not provide any factual evidence to support this finding. There do not appear to be any statements within the Grand Jury report regarding builders circumventing standard building codes and regulations through Class K, this would appear to be anecdotal rather than a Finding based in factual evidence.

F13. *The Class K Compliance Waiver may not relieve the County's potential liability when PBS Building Inspectors finalize a new or pre-existing Class K structure without conducting all required inspections. The failure to conduct these inspections exposes the County to potential legal and financial risks, as well as undermines public safety.*

Disagree Wholly. This appears to be a legal conclusion and there has not been any factual evidence provided in the Grand Jury report to support this finding. It is entirely speculative to imply liability on the part of the County. The process for handling inspections related to Class K permits is discussed above in the response to Finding 4.

F14. *The Class K Compliance Waiver does not waive the requirements outlined in PRC 4290 for pre-existing habitable structures. Although the waiver provides certain exceptions, it does not exempt Class K structures from compliance with fire safety standards. Failure to adhere to these requirements jeopardizes public safety, allowing non-compliant structures to remain in use.*

Disagree Partially. The Board agrees that the Class K Compliance Waiver does not waive PRC section 4290. The Board disagrees that PBS has failed to adhere to PRC section 4290 requirements. As noted in the response to Finding 3, PBS handles PRC section 4290 compliance consistent with the procedure issued by CALFIRE (attached hereto as **Attachments A and B**). CALFIRE is the agency responsible for completing PRC section 4290 related inspections including Defensible Space Program inspections for existing non-permitted residences.

F15. *The failure of PBS to respond to code enforcement complaints in a timely manner has created significant financial hardship for residents, who have been forced to seek legal representation to resolve disputes with PBS. This prolonged inaction has left many residents with unresolved issues, leading to financial burdens from legal fees and ongoing frustration.*

Disagree Wholly. There has not been any factual evidence provided in the Grand Jury report to support this finding. The Grand Jury report does not include any information regarding potential financial hardship incurred by residents in resolving disputes with PBS.

RESPONSE TO RECOMMENDATIONS:

R1. *The Grand Jury recommends the Board of Supervisors give direction to the Mendocino County Chief Executive Officer to instruct Planning and Building Services to immediately enforce Public Resource Code 4290 for all new permits pertaining to preexisting and habitable structures, commercial and industrial buildings, by July 1, 2025.*

The recommendation will not be implemented as it is not warranted. PBS complies with its responsibilities as it pertains to PRC section 4290 and follows the established CALFIRE procedure as provided in **Attachments A and B**. CALFIRE is the agency responsible for completing PRC section 4290 related inspections including Defensible Space Program inspections for existing non-permitted residences. For the five property examples within the Grand Jury Report, "Property Five" is the only property example that includes allegations of PBS disregard for PRC section 4290; however, as described in the response to Finding 1 CALFIRE clearances were provided for the structures identified in the Grand Jury Report as

being out of compliance. Below is a summary of CALFIRE PRC section 4290 clearances provided for “Property Five”.

Building Permit Number	Development Proposed	CALFIRE File Number	Date of CALFIRE Preliminary Clearance	Date of CALFIRE Final Clearance
BU_2011-0347 superseded by BU_2020-1866	Originally Class K 16x32 shop converted to Ag Dry Shed	129-11 superseded by 499-19	6/15/2011 and 9/16/2019	6/6/2024
BU_2011-0442 and BU_2015-0887	Class K residence and associated addition	129-11 superseded by 221-15	6/15/2011 and 10/21/2015	6/6/2024
BU_2020-1858 through BU_2020-1862	Hoop House #1 through #5	499-19	9/19/2019	6/6/2024
BU_2020-1863 and BU_2020-1864	Ag Exempt Shipping Containers	499-19	9/19/2019	6/6/2024
BU_2020-1865	Ground Mount Solar	Exempt per CALFIRE procedure section 3B	N/A	N/A
BU_2021-0001 through BU_2021-0003	Hoop House #6 through #8	384-20	9/29/2020	6/6/2024
BV_2023-0032	Legalize Grading	Exempt, no structure	N/A	N/A
BU_2024-0507	Ag Exempt Shipping Container	Exempt per CALFIRE procedure section 3I. Note CALFIRE notified PBS of exemption for U occupancy structures in 2023	N/A	N/A
BU_2024-0508	Ag Exempt Shipping Container	Exempt per CALFIRE procedure section 3I. Note CALFIRE notified PBS of exemption for U	N/A	N/A

		occupancy structures in 2023		
BU_2025-0183	Demolition of 3 Shipping Containers	Exempt, removal of structures	N/A	N/A

The CALFIRE final clearance letter dated June 6, 2024, is attached hereto as **Attachment C**.

R2. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to create an oversight committee to ensure that Planning and Building Services adhere to requirements outlined in Public Resource Code 4290 in the State Response Area, by January 1, 2026.*

The recommendation will not be implemented as it is not warranted. PBS complies with its responsibilities as it pertains to PRC section 4290 and follows the established CALFIRE procedure as provided in **Attachments A and B** and as summarized in response to Findings herein and Recommendation 1. CALFIRE is the agency responsible for completing PRC section 4290 related inspections including Defensible Space Program inspections for existing non-permitted residences. Further, it should be noted that creation of an oversight committee would unnecessarily incur additional county general fund expense not budgeted for within the PBS fiscal year 25-26 budget. PBS has a fixed budget and creation of such an oversight committee would result in competition for the same funds that provide for other endeavors such as code enforcement activities.

R3. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to implement a plan to cease issuance of Class K permits that are not solely intended for habitable living space as prescribed by law, by July 1, 2025.*

This recommendation will not be implemented as it is not warranted. As explained in response to Finding 1 herein, continuing with the current practice in PBS to issue Class K permits for uninhabited appurtenant structures is permissible under both section 76 of Title 25 of the California Code of Regulations and MCC section 18.23.030.

R4. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to create an oversight committee by January 1, 2026, to ensure that Planning and Building Services adheres to requirements outlined specifically in:*

- California Code of Regulations, Title 25, Chapter 1, Subchapter 1, Article 8
- Health and Safety Code 17958.2
- Mendocino County Code Chapter 18.23
- Public Resource Code 4290.

The recommendation will not be implemented as it is not warranted. PBS complies with its responsibilities as it pertains to PRC section 4290 and follows the established CALFIRE procedure as provided in **Attachments A and B**. CALFIRE is the agency responsible for completing PRC section 4290 related inspections including Defensible Space Program inspections for existing non-permitted residences. In addition, PBS complies with both state and local regulations pertaining to Class K structures as noted in the response to Finding 1,

Finding 4, and Recommendation 3. Further, it should be noted that creation of an oversight committee would unnecessarily incur additional county general fund expense not budgeted for within the PBS fiscal year 25-26 budget. PBS has a fixed budget and the creation of such an oversight committee would result in competition for the same funds that provide for other endeavors such as code enforcement activities.

R5 & R6.

R5. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to have a working draft of Policies and Procedures for all divisions within Planning and Building Services. The guidelines should be comprehensive, standardized and easily accessible to all staff members to ensure that the processes are consistently followed and comply with regulatory requirements, by January 1, 2026.*

R6. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to instruct Planning and Building Services to have a final version of Policy and Procedures for all divisions, by April 1, 2026.*

These recommendations will not be implemented as they are not warranted. As noted in the response to Finding 5, PBS has clear policies and procedures that relate to the handling of permits, inspections and fees. PBS continues to prepare and revise policies and procedures regularly. Since the appointment of the current PBS Director, PBS has established procedural workflows both internal and public facing. These procedural workflows provide a step-by-step process for staff and guidance for the public on the process for building permits, discretionary projects, and investigations. The public facing procedural workflows are available on the PBS website at:

<https://www.mendocinocounty.gov/departments/planning-building-services/administration-and-grants>.

R7. *The Grand Jury recommends the Board of Supervisors instruct the Chief Executive Officer to implement new software applications for tracking all processes in Planning and Building Services, including but not limited to permits, inspections, fees and Code Enforcement complaints, by April 1, 2026.*

This recommendation has not yet been implemented but will be implemented in the future. Prior to publication of the Grand Jury report, PBS initiated internal processes to migrate to a new permit tracking software as the current tracking software support services were discontinued as of January 1, 2025. PBS reported their intention to migrate to a new permit tracking software during the January 15, 2025, BOS Workshop as a key goal for 2025. Full implementation of a new software system is not feasible by April 1, 2026. It is anticipated that the implementation process will take 15 to 18 months to complete. A reasonable benchmark for this recommendation would be that PBS is under contract with an implementation contractor by April 1, 2026. However, implementation may take up until November 1, 2027.

R8. *The Grand Jury recommends the Board of Supervisors direct the Chief Executive Officer to implement a monitoring process for Planning and Building Services that includes supervisory checks*

and audits to ensure adherence to the established policies and procedures, and to identify areas for improvement, by April 1, 2026.

This recommendation will not be implemented as it is not warranted because it duplicates a prior and ongoing Board of Supervisors-approved Executive Office initiative from 2023. The Executive Office Golden Gate Bridge Initiative examined the structure, process, expenses and customer experience of PBS and issued findings and recommendations. As reported on March 26, 2024, to the Board of Supervisors, PBS had all objectives either in progress or completed. Since March 26, 2024, PBS has completed all objectives with the exception of Objective 6 (Scanning and Digitization). As to that objective, PBS is nearing completion of scanning with the contractor. It should also be noted that the CEO currently possesses the authority to conduct monitoring of PBS operations at their discretion including identifying areas for improvement for the Department Head to address. A summary of the Golden Gate Bridge Initiative recommendations and status is included below.

Structure

Objective 1.) PBS Organizational Restructuring **(Completed)**

- With the support of Human Resources, the Department has modified the organizational chart to provide a streamlined reporting structure.
- The Department implemented an enhanced performance management system including performance expectations and a guide to the employee performance report.

Objective 2.) Training Program **(Initial Work Completed/ Work is Ongoing)**

- The Department identified advanced training opportunities in each Division. The Divisions have begun scheduling these trainings for staff as time and resources allow.

Process

Objective 3.) Front Counter workflow revamp **(Initial Work Completed/ Work is Ongoing)**

- The Department prepared workflows for all processes including internal and public facing workflows. Public facing workflows are available on the Department website at: <https://www.mendocinocounty.gov/departments/planning-building-services/administration-and-grants>. Updates will be made to workflows whenever processes are modified by the Department.

Objective 4.) Monthly Reporting **(Initial Work Completed/ Work is Ongoing)**

- The Department reports monthly metrics that are available on the website.

Expenses

Objective 6.) Scanning and Digitization (In Progress)

- The Department has a contract for scanning services of existing records and a system has been implemented to accommodate digital submissions from the community for building permits.
- The Department is actively engaging in obtaining a new permit tracking software that will have a significantly improved customer interface with enhanced digitization.

Objective 7.) Fiscal Transparency (Completed)

- The Department reports monthly metrics that are available on the website. The metrics include relevant fiscal details.

Customer Experience

Objective 8.) Cultural Improvement (Initial Work Completed/ Work is Ongoing)

- The Department offers new customer service feedback mechanisms to community members, including an online survey available on the website and a QR code at the front counter. In addition, the Department holds a minimum of two stakeholder meetings per year (one on the coast and one inland) to engage directly with the community on areas for improvement.

Objective 9.) F.B. Front Office Acoustic Problem (Completed)

- Installed sound absorbing tiles in Fort Bragg Office for a better customer and staff experience. This is now a moot issue as the Fort Bragg Office was relocated in June 2025 to a new location.

Objective 10.) Ukiah Front Office improvements (Completed)

- In coordination with the General Service agency, the Department modified the front counter area to accommodate more Department staff and a document scanner for the Department's digitization efforts. In addition, the Department worked with General Services to reduce the visibility of the water collection bladders as funding to replace the roof in that area is not within PBS control.

R9. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to develop a structured training program within Planning and Building Services based on all laws, codes, ordinances and any new policies and procedures. This program should include both initial training for new hires and ongoing refresher courses for existing staff, by April 1, 2026.*

The recommendation will not be implemented as it is not warranted because it is already sufficiently addressed through the current thorough PBS training program. PBS has a continual training program that is built into how the Department operates. Approximately 6% of an employee's work hours are spent training as part of current PBS operations. In addition, specific classifications, such as Building Inspectors are required to obtain certifications as specified in Health and Safety Code section 18949.28 and complete a

minimum of 45 hours of continuing education for every three-year period including at least eight hours regarding disability access requirements (Health and Safety Code section 18949.29). The Department has multiple funding streams that support continuing education for both Building Inspectors and Code Enforcement Officers between the funds collected pursuant to Health and Safety Code section 18949.31, violation fees collected pursuant to MCC section 18.08.030(A), and nuisance abatement funds collected pursuant to MCC section 8.75.220. Training funds for the Planning Division are included in the annual Department budget and are a general fund expense. Training and certifications are discussed further in the response to Finding 7.

R10. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to establish and document clear roles and responsibilities for all Planning and Building Services staff involved in the permitting, inspection and fee collection processes, by April 1, 2026.*

This recommendation will not be implemented as it is not warranted because it duplicates a prior and ongoing Board of Supervisors-approved Executive Office initiative from 2023. The Executive Office Golden Gate Bridge Initiative examined the structure, process, expenses and customer experience of PBS and issued findings and recommendations. As reported on March 26, 2024, to the Board of Supervisors, PBS had all objectives either in progress or completed. Since March 26, 2024, PBS has completed all objectives, with the exception of Objective 6 (Scanning and Digitization). As to that objective, PBS is nearing completion of scanning with the contractor. As included in the summary of Golden Gate Bridge Initiative recommendations in the response to Recommendation 8, PBS completed an enhanced performance management system (Objective 1) and completed workflows for all processes (Objective 3). PBS has existing policies that relate to permitting, inspection, and fee collection including guidance to staff on implementation of fees and a simplified fee methodology. It should also be noted that the Class Specifications available at <https://www.governmentjobs.com/careers/mendocinoca/classspecs> also cover the roles and responsibilities for all positions in PBS and the County.

R11. *The Grand Jury recommends the Board of Supervisors give direction to the Chief Executive Officer to create a communication framework that establishes regular meetings, addresses challenges and shares best practices to ensure all staff are aligned with the policies and procedures within Planning and Building Services, by July 1, 2025.*

The recommendation will not be implemented because it is already sufficiently addressed by the Department in their operations. PBS has existing communication pathways across the entire Department. PBS holds monthly all-staff meetings, Division meetings are held either on a weekly or bi-weekly basis for all divisions and include addressing challenges, best practices, training, performance standards, upcoming workloads, fees, changes in processes, and specific project issues. In addition, the County has a public feedback system for citizen complaints through the Executive Office.