



Mendocino County Farm Bureau

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Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

November 3, 2020

Via Email: bos@mendocinocounty.org

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

RE: Comments on Agenda Item 5E: Discussion and Possible Action Including Adoption of Resolution of the Mendocino County Board of Supervisors Ratifying Redwood Valley-Calpella Fire Protection District's Ordinance No. 20-1, amending "Fire Safety Ordinance" to Adopt, by Reference, and Amend Selected Provisions, Chapters, and Appendices of the California Code of Regulations, Title 24, 2019 Edition of the California Fire Code, to Adopt Local Findings, and to Make Technical and Administrative Revisions to the Fire Safety Ordinance, and,

5F: Discussion and Possible Action Including Adoption of Resolution of the Mendocino County Board of Supervisors Ratifying Hopland Fire Protection District's Ordinance No. 20-1, amending "Fire Safety Ordinance" to Adopt, by Reference, and Amend Selected Provisions, Chapters, and Appendices of the California Code of Regulations, Title 24, 2019 Edition of the California Fire Code, to Adopt Local Findings, and to Make Technical and Administrative Revisions to the Fire Safety Ordinance

Dear Chair Haschak and Supervisors,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to submit comments on agenda item 5E and 5F for the November 3, 2020 Board of Supervisors meeting.

Memorandum from Mike Oliphant, Mendocino County Building Official, and Matthew Kiedrowski, Deputy County Counsel

Discussions with Fire Districts

After speaking with RVFD Chief Don Dale, Officer Kerry Robinson and retired State Fire Marshall Hans Hennebreck, who is consulting with the RVFD, and Ron Royce from the HFD, it is the Building Official's understanding that the districts intend for there to be minimal changes for buildings subject to the current Ag Exempt Policy. The districts indicated that structures that conform to the County's Ag Exempt Policy would remain a Utility "U" Occupancy in the districts. In both districts, any structure used for manufacturing, packaging or processing operations will be classified as an F-1 Occupancy. 2019 CBC section 306.2.

The wording of the ordinances is more restrictive than the stated intent. Any building related to agricultural crop production, including those conforming to the County's Ag Exempt policy, would presumably be treated by the districts as an F-1 occupancy building.

In practice, an application for an agricultural building that the County initially designates as Ag Exempt would be re-designated by the district with the more restrictive code language, and the district could refuse to sign-off on the building permit without changes being made to the building.

MCFB submitted comment back in August with concerns regarding the proposed fire district code: *California Fire Code Section 202 is amended to add the following: OCCUPANCY CLASSIFICATION is modified to include: [BG] Factory Industrial F-1 Moderate-hazard occupancy is amended to add to the list of Moderate-hazard factory industrial groups the following: Agricultural crop production including cultivation, drying, processing and/or storage.*

The concern was related to the interpretation that ag exempt buildings (noncommercial/no public access) will be treated as F-1 occupancy. It was also unclear as to whether this F-1 occupancy classification would be retroactively applied by the fire districts to existing ag exempt buildings such as hay barns, shops, etc.

The staff memorandum sections listed above distinguish between the districts stated intent to allow for structures that conform to the county's ag exempt policy to remain a utility "U" occupancy versus the actual wording of the proposed ordinances that would treat ag exempt buildings as F-1 occupancy buildings within the districts.

The intent is not what is expressed in the language of the ordinance. This is problematic and open to interpretation if the ordinance language is not amended to reflect the intent to allow structures that conform with the county's ag exempt policy to remain under U occupancy.

Additional Changes Proposed – Fire Sprinklers

The Building Official would like to add that both RVFD and HFD are making several changes regarding automatic fire sprinklers. Many of these changes would make sprinklers required in more buildings than what would be required by the Fire Code by the State. The Building Official specifically notes the following changes related to agricultural and Group F occupancies:

- *HFD is amending the CFC section 903.2 to state some exceptions to including required fire sprinklers in a few occupancy classifications including exception #1, "Agricultural buildings as approved by the fire code official."*
- *HFD is also amending the CFC section 903.2.4 Group F occupancies to be equipped with fire sprinklers in structures greater than 1,000 square feet gross floor area.*
- *RVFD is amending the CFC section 903.2.4 Group F occupancies to be equipped with fire sprinklers in structures greater than 2,500 square feet gross floor area.*

The state fire code has a specific definition for an agricultural building. The definition should allow for consistency amongst local fire districts with determining what is an agricultural building and should not require a discretionary decision.

Traditional water-based fire sprinkler systems are a challenge in the more un-developed areas of the county. The Board should consider the availability for water supply within the fire districts that are proposing to expand upon the state requirements for fire sprinklers

Next Steps in Fire Code Adoption Process

Health and Safety Code section 13869.7 requires a fire district to send its ordinance adopting more restrictive fire codes to the Board, which may ratify, modify or deny the adopted ordinance. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for the modification or denial.

Staff seeks direction regarding the proposed RVFD and HFD fire code adoptions. The intent of the RVFD and the HFD as stated to the Building Official is more restrained than the actual wording of the ordinances. Should the Board desire to deny or modify the ordinances, staff seeks direction on the reasons for the modification or denial and would return to the Board at a future date with a final document for approval.

Note that the UVFD fire code adoption does not include the changes adopted by RVFD and HFD and could be approved separately.

MCFB agrees with the staff memorandum and feels that the intent of the districts is not accurately reflected in the language of the ordinances. This allows for discretionary interpretation and inconsistency with permit requirements. For this reason, it is requested that the Board move forward with considering the MCFB comments above as well as the points in the staff memorandum and take action to modify the proposed ordinances accordingly. The Board can provide direction to staff and revisions can be brought back for final approval.

It is also recommended that the district review process be streamlined with the county building permit review process to prevent unnecessary delays. Finally, it would be beneficial to ask what the overall costs to permittees will be in these districts and how the additional fees are justified.

If there are any questions on any of the above comments related to agenda items 5E and 5F, please do not hesitate to contact the MCFB office.

Sincerely,

A handwritten signature in cursive script that reads "George Hollister".

George Hollister
President

