



# San Bernardino County

## Legislation Text

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**File #: 7076, Agenda Item #: 110**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION**

**November 15, 2022**

#### **FROM**

**DAVID DOUBLET, Director, Land Use Services Department**

#### **SUBJECT**

Adopt by Reference the 2022 California Building Standards Code, 2021 International Property Maintenance Code and 2021 International Swimming Pool and Spa Code with Local Amendments

#### **RECOMMENDATION(S)**

1. Find that the proposed ordinance adopting the 2022 California Building Standards Code is exempt under the California Environmental Quality Act Guidelines, Title 14 of the California Code of Regulations Section 15061(b)(3).
2. Conduct a public hearing to consider a proposed ordinance to repeal Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, 19, 20 and 21 of Division 3 of Title 6 of the San Bernardino County Code, and to adopt by reference and amend the 2022 Editions, and when expressly stated, the 2021 Editions, of the California Building Code, California Residential Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, 2021 Edition of the International Property Maintenance Code, California Administrative Code, California Referenced Standards Code and 2021 Edition of the International Swimming Pool and Spa Code as Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, 19, 20 and 21, respectively, of Division 3 of Title 6 of the San Bernardino County Code.
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of proposed ordinance.
  - An ordinance of San Bernardino County, State of California, to repeal Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, 19, 20 and 21 of Division 3 of Title 6 of the San Bernardino County Code, and to add Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, 19, 20 and 21 to Division 3 of Title 6 of the San Bernardino County Code, relating to adoption and amendment of the codes set forth in the 2022 California Building Standards Code and adoption of the 2021 International Property Maintenance Code and the 2021 International Swimming Pool and Spa Code.
5. SCHEDULE FOR FINAL ADOPTION ON TUESDAY, DECEMBER 6, 2022, on the Consent Calendar.
6. Direct the Clerk of the Board of Supervisors to file a Notice of Exemption.  
(Presenter: David Doublet, Director, 387-4431)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

#### **FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Building and Safety's (Department) 2022-23 budget.

### **BACKGROUND INFORMATION**

Approval of the ordinance will repeal the current chapters of Division 3 of Title 6 of the San Bernardino County Code (San Bernardino County Ordinance No. 4375) that reflect the various codes set forth in the 2019 California Building Standards Code and adopt in their place new chapters that incorporate by reference the various codes set forth in the 2022 California Building Standards Code (2022 Model Codes). The proposed ordinance also repeals the 2018 Editions of the International Property Maintenance Code and International Swimming Pool and Spa Code and adopts by reference the 2021 Editions of said codes.

California Health and Safety Code section 17922 mandates the California Building Standards Commission (CBSC) to adopt and publish the California Building Standards Code (Title 24 of the California Code of Regulations) every three years; commonly referred to as the triennial code cycle. CBSC approved the 2022 Model Codes for a statewide effective date of January 1, 2023, which is applicable to all occupancies throughout the state. The 2022 Model Codes consists of the California Building Code, Residential Code, Electrical Code, Plumbing Code, Mechanical Code, Energy Code, Historical Building Code, Existing Building Code (Unreinforced Masonry), Green Building Standards Code, Administrative Code, and Referenced Standard Code. As part of the triennial code cycle, CBSC publishes a summary of substantive changes made to the updated editions of the model codes. Attached as an exhibit to this item is a copy of CBSC's summary of substantive changes to the 2022 Model Codes. This triannual code cycle includes minor and mostly editorial clarifications inserted into the 2022 family of codes, commonly referred to as Title 24.

Local governments may amend the 2022 Model Codes, including the adoption of appendices, with equivalent or more restrictive building standards. California Health and Safety Code sections 17958.7 and 18941.5 require a local government to make express findings in order to amend building standards. An amendment must be reasonably necessary due to local climatic, geological or topographical conditions. Certain amendments and findings are included in the proposed ordinance and will be filed with the CBSC if approved. Local amendments include changes to California Plumbing Code (CPC) Section 713.3 and Table H - 101.8 of Appendix H regarding the soil conditions that exist in the county. The Department recognizes the community and water districts' concerns regarding water quality. Due to the buildup of nitrates in the groundwater, the plumbing code has been amended to increase the separation between private disposal system and water wells from 50 feet to 100 feet. The 50-foot limit does not provide sufficient separation to prevent contamination of nearby wells from possible leaking content. Also proposed is an increased separation from 100 feet to 200 feet from a well for private disposal systems which discharge more than 5,000 gallons or more per day. The cone-shaped depression under a well, created by pumping out water may intercept significant amounts of sewage effluent, thereby contaminating the water produced by the well. The Department is recommending the approval of the proposed San Bernardino County amendments to the CPC.

By adoption of this ordinance, the prior editions of the Model Codes will be repealed and the most recent editions of the 2022 Model Codes with applicable amendments will be in effect for the unincorporated areas of San Bernardino County as of January 1, 2023.

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed ordinance will have a significant effect on the environment.

### **PROCUREMENT**

Not applicable.

### **REVIEW BY OTHERS**

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This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on October 3, 2022; Finance (Erika Rodarte, Administrative Analyst III, 387-5412) on October 11, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 11, 2022.