AGENDA TRANSMITTAL FORM

To: **Board of Supervisors**

Date: January 22, 2014

From: Theodore F. Novelli, Chairman (Department Head - please type)

Phone Ext. x470

Department Head Signature _____

☒ Regular Agenda
☐ Consent Agenda
☐ Blue Slip
☐ Closed Session

Meeting Date Requested: January 28, 2014

Agenda Title: Probation Department

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Presentation of a Resolution to Ms. Michele Carney upon her retirement from Amador County.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes ☐ No ☐

Committee Review? N/A ☐
Name
Committee Recommendation:

Contract Attached:	Yes ☐	No ☐	N/A ☐
Resolution Attached:	Yes ☐	No ☐	N/A ☐
Ordinance Attached	Yes ☐	No ☐	N/A ☐

Comments:

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 1/28/14 Time _____ Item # 6

Board Action: Approved Yes___ No___ Unanimous Vote: Yes___ No___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

Completed by _____

A new ATF is required from _____ Department
For meeting of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION HONORING Michele Carney UPON HER RETIREMENT FROM THE COUNTY OF AMADOR	)))	RESOLUTION NO. 14-007

WHEREAS, Michele Carney was born on May 31, 1951 in Lodi, California; and

WHEREAS, Michele graduated from Calaveras High School in San Andreas, California; and

WHEREAS, Michele is the loving wife of Mike Carney to whom she has been married for 43 years; and

WHEREAS, Michele is the proud mother of sons Jake and Scott, who also graduated from Calaveras High School, and Michele is the proud grandmother of five grandchildren; and

WHEREAS, Michele began her employment with Amador County in 1993 as a Clerical Assistant I with the Office of the District Attorney; and

WHEREAS, Michele started with the Probation Department in 1993 as a Secretary I and in 1995 was reclassified to Legal Secretary II; and

WHEREAS, Michele was promoted to Administrative Support Supervisor I in 1998; and

WHEREAS, Michele was promoted to Program Specialist I in 1999 and Program Specialist II in 2001; and

WHEREAS, Michele was promoted to Program Manager I in 2004; and

WHEREAS, Michele was promoted to Finance and Administrative Supervisor in 2008; and

WHEREAS, Michele has rendered 20 years of faithful and dedicated service to the County of Amador.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that said Board does hereby adopt this resolution commending Michele Carney for her many years of service to the people of the County of Amador.

AGENDA TRANSMITTAL FORM

To: **Board of Supervisors**

Date: January 22, 2014

From: Theodore F. Novelli, Chairman (Department Head - please type)

Phone Ext. x470

☒ Regular Agenda
☐ Consent Agenda
☐ Blue Slip
☐ Closed Session

Meeting Date Requested: January 28, 2014

Department Head Signature _____

Agenda Title: Amador County Office of Emergency Services

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to a presentation by Amador County Sheriff's Sgt. John Silva regarding the current drought situation and the response to the crisis by the Governor Edmund G. Brown Jr., and State of California officials.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes ☐ No ☐

Committee Review? N/A ☐
Name
Committee Recommendation:

Contract Attached:	Yes ☐	No ☐	N/A ☐
Resolution Attached:	Yes ☐	No ☐	N/A ☐
Ordinance Attached	Yes ☐	No ☐	N/A ☐

Comments:

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 1/28/14 Time _____ Item # 7

Board Action: Approved Yes___ No___ Unanimous Vote: Yes___ No___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

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A new ATF is required from _____ Department

For meeting of _____

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ATTEST: _____
Clerk or Deputy Board Clerk

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AGENDA TRANSMITTAL FORM

To: **Board of Supervisors**

Date: January 22, 2014

From: Jennifer Burns, Clerk of the Board (Department Head - please type)

Phone Ext. x470

☒ Regular Agenda
☐ Consent Agenda
☐ Blue Slip
☐ Closed Session

Meeting Date Requested: January 28, 2014

Department Head Signature _____

Agenda Title: Minutes

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to approval of the January 14, 2013 Board of Supervisors Meeting Minutes.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes ☐ No ☐

Committee Review? N/A ☐
Name _____
Committee Recommendation:

Contract Attached:	Yes ☐	No ☐	N/A ☐
Resolution Attached:	Yes ☐	No ☐	N/A ☐
Ordinance Attached	Yes ☐	No ☐	N/A ☐

Comments:

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 1/28/14 Time _____ Item # 8

Board Action: Approved Yes___ No___ Unanimous Vote: Yes___No___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

Completed by _____

A new ATF is required from _____ Department

For meeting of _____

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ATTEST: _____
Clerk or Deputy Board Clerk

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AGENDA TRANSMITTAL FORM

To: **Board of Supervisors**

Date: January 22, 2014

From: Aaron Brusatori (Department Head - please type) Phone Ext. 248

Department Head Signature

- [x] Regular Agenda
- [ ] Consent Agenda
- [ ] Blue Slip
- [ ] Closed Session

Meeting Date Requested: 01/28/14

Agenda Title: Public Hearing - Limited Density Owner-Built Rural Dwellings Proposed Ordinance - Chapter 15.10

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

At the December 10, 2013 Board of Supervisors Meeting the Board directed staff to advertise a public hearing for the proposed Limited Density Owner Build Rural Dwellings ordinance.

Public Notice was advertised in the January 10, 2014 edition of the Amador Ledger Dispatch for a public hearing on January 28, 2014.

Recommendation/Requested Action:

Approve the Proposed Ordinance

Fiscal Impacts (attach budget transfer form if appropriate)

n/a

Staffing Impacts

Is a 4/5ths vote required? Yes ☐ No ☐

Committee Review? N/A ☐

Name

Committee Recommendation:

Contract Attached:	Yes ☐	No ☐	N/A ☐
Resolution Attached:	Yes ☐	No ☐	N/A ☐
Ordinance Attached	Yes ☒	No ☐	N/A ☐

Comments:

Request Reviewed by:

Chairman

Counsel GC

Auditor

GSA Director HP

CAO

Risk Management

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Community Development Agency, Building Department

FOR CLERK USE ONLY

Meeting Date 1/28/14 Time Item # 9

Board Action: Approved Yes___ No___ Unanimous Vote: Yes___ No___

Ayes: Resolution Ordinance Other:

Noes Resolution Ordinance

Absent: Comments:

Distributed on

Completed by

A new ATF is required from Department For meeting of

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: Clerk or Deputy Board Clerk

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AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
TRANSPORTATION & PUBLIC WORKS

PHONE: (209) 223-6429
FAX: (209) 223-6395
WEBSITE: www.amadorgov.org
EMAIL: PublicWorks@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

MEMORANDUM

TO: Board of Supervisors

FROM: Aaron Brusatori, PE Director

SUBJECT: Proposed Ordinance – Chapter 15.10

DATE: December 4, 2013

Members of the Board,

During board meeting of November 12, 2013, the board asked staff to answer several questions regarding the proposed Limited Density Owner Built-Rural Dwelling ordinance. Below are the questions and responses.

1. Verify applicability to personnel structures.
    a. Article 8, section 74 of title 25 of the State Housing Law Regulations provides a purpose statement which speaks to applicability of the provisions of this code section. See page 4 of the information package.
2. Check with counties that have implemented similar ordinances.
    a. Included is a memorandum to the Public Works Committee documenting questions asked of the Building Officials of Mendocino and Humboldt Counties. Page 24-25 of the information package.
3. Which counties were contacted regarding implementation of similar ordinance?
    a. Humboldt and Mendocino
4. How are back taxes addressed for homes that were constructed without permits?
    a. According to the Assessor, back taxes can be collected.....
5. Is the language in the draft Chapter 15.10 similar for all ordinances adopted by other counties?
    a. The ordinances for Mendocino and Humboldt Counties are included for reference. Page 26-42 of the information package.
6. To which size parcels is the draft Chapter 15.10 applicable?
    a. Parcels of 1 acre and larger are identified in the draft ordinance. Page 14 of the draft Chapter 15.10.
7. Are fire sprinklers required for a home constructed under the provisions of draft Chapter 15.10.
    a. Fire sprinklers are not required as the structures can be constructed to a previous code cycle.

Community Development Agency
810 Court Street, Jackson CA 95642 Phone 209-223-6429 Fax: 209-223-6395

MEMORANDUM

TO: Board of Supervisors

FROM: Aaron Brusatori, PE
Director

SUBJECT: LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS

DATE: November 4, 2013

Title 25 of the State Housing Law under Article 8 establishes regulations for Limited Density Owner-Built Rural Dwellings. The purpose of Article 8: *"The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density rural owner-built dwellings and appurtenant structures to the requirements of Article 1 Section 1 of the California State Constitution and the statutes of the of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards...."* It is the responsibility of the local agency to adopt regulations as outlined in Article 8. Amador County currently does not have a code section adopted to address the provisions of Title 25 Article 8.

Over the past year, the Public Works Committee has reviewed the ordinances adopted by various other rural counties. The result is the attached draft of Chapter 15.10 of the Amador County Municipal Code. As drafted, Chapter 15.10 establishes the conditions which must be satisfied in order for a dwelling to be considered "Limited Density Owner-Built Rural Dwelling." The Public Works Committee recommended that the draft of Chapter 15.10 be presented to the full Board for direction.

Staff would like direction from the Board so that a public hearing can be scheduled and notices can be published in the newspaper.

Attached:
Article 8 of Title 25 – Regulations for Limited Density Owner-Built Rural Dwellings
Draft Municipal Code Chapter 15.10
Draft Recorded Agreement
Draft LDRD Compliance Notice

Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

§ 74. Purpose

The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner–built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density, rural owner–built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this article if, for any reason, held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 76. Intent and Application

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner–built rural dwellings and appurtenant structures. It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 78. Definitions

For the purposes of this article the following definitions shall apply: "Limited density, rural dwelling." A "limited density, rural dwelling" is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this article. "Owner built."

(a) "Owner built" shall mean constructed by any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy.

(b) For the purposes of this article the sale, lease, renting (see local authority Section 82(b)) or employee occupancy of owner–built structures in one year of issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, or renting. "Rural." For the purpose of this article only, "rural" shall mean those unincorporated areas of counties designated and zoned by the appropriate local agency for the application of this article. In defining "rural," the agency shall consider local geographical or topographical conditions, conditions of general development as evidenced by population densities and availability of utilities or services, and such other conditions that the agency deems relevant to its determination. Suitable areas may include those wherein the predominate land usage is forestry, timber production, agriculture, grazing, recreation, or conservation.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922(b), Health and Safety Code.

§ 80. Local Standards

Pursuant to Sections 17958, 17958.5, and 17958.7 of the Health and Safety Code, the governing body of every jurisdiction in which there exist rural areas displaying conditions appropriate for the application of this article and

designated as such by the appropriate local agency shall adopt regulations imposing the same requirements as are contained in this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17958.2 and 17922(b), Health and Safety Code.

§ 82. Regulation of Use

(a) For the purposes of this article the sale, lease, renting or employee occupancy of owner–built structures within one year of the issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

(b) The restrictions of this article on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17958.2, Health and Safety Code.

§ 84. Abatement of Substandard Buildings

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner–occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 through 17995, Health and Safety Code.

§ 86. Petitions for Interpretations

Any person or local agency may petition the Department for an interpretation of any provision of this article. Petitions shall be submitted in writing, after which the Department may consider such requests and the Department may make a determination as to the meaning or intent of any provision of this article with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Department.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

§ 88. Interpretation

Interpretations by the Department as to the meaning, intent, or application of the provisions of this article are not intended to preempt the exercising of building or housing appeals processes established by Sections 17930–17932 of the Health and Safety Code, but are intended to facilitate public understanding and the effective enforcement of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

§ 90. Notice of Findings

The Department shall keep a record of all interpretations made by the Commission which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Department's findings.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

§ 92. Recording

No provision of this article is intended to prohibit or limit a local governing body from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17958.5, Health and Safety Code.

§ 94. Violations

The critical concern in the promulgation of this article is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this article, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency.

Note: Authority cited: Sections 17003.5, 17921, 17980, 50061.5 and 50559, Health and Safety Code. Reference: Section 17980, Health and Safety Code.

§ 96. Permits

Permits shall be required for the construction of rural dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this article. When the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this article, the agency shall issue a permit therefore to the applicant. Exemptions: Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the appropriate local agencies.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922(b), Health and Safety Code.

§ 98. Application

To obtain a permit, the applicant shall first file an application therefore with the designated enforcement agency. Permit applications shall contain the following information:
(1) name and mailing address of the applicant;
(2) address and location of the proposed structure(s);
(3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details;
(4) a plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways;
(5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency;
(6) a stipulation by the applicant that the building or structure is to be owner–built;
(7) the signature of the owner or authorized agent;
(8) the use or occupancy for which the work is intended;
(9) and any other data or information as may be required by statute or regulation.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922(b), Health and Safety Code.

§ 100. Plans

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this article based upon the general description and simplified plan(s).

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951(d), Health and Safety Code.

§ 102. Waiver of Plans

The enforcement agency may waive the submission of any plans if the agency finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951(d), Health and Safety Code.

§ 104. Modifications

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this article and the enforcement agency is notified in writing of the intended modification.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951, Health and Safety Code.

§ 106. Permit Validity

Permits shall be valid, without renewal, for a minimum period of three years.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 108. Inspections

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. If an inspection is required, the inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Structures of conventional or simple construction shall be inspected at a single inspection.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

§ 110. Special Inspections

Additional inspections may be conducted under the following circumstances: An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17970, 17953, 17954 and 17955, Health and Safety Code.

§ 112. Inspection Waivers

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

§ 114. Inspection Requests and Notice

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

§ 116. Certificate of Occupancy

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17958, Health and Safety Code.

§ 118. Temporary Occupancy

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

§ 120. Fees

Fees may be required and collected by the enforcement agency to provide for the cost of administering the provisions of this article. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this article.

Note: Authority cited: Sections 17003.5, 17921, 17952(b), 50061.5 and 50559, Health and Safety Code. Reference: Sections 17951 and 17952(b), Health and Safety Code.

§ 122. General Requirements

(a) Each structure shall be constructed in accordance with applicable requirements contained in Subchapter 2–12, Title 24, California Code of Regulations.

(b) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922, Health and Safety Code.

§ 124. Intent of General Requirements

It shall be the purpose and intent of this article to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this article, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17923, Health and Safety Code.

§ 126. Technical Codes to Be a Basis of Approval

Except as otherwise required by this article, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the uniform technical codes. Such codes shall be a basis for approval.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

§ 128. Mechanical Requirements

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article, shall be installed and vented in accordance with the applicable requirements contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

§ 130. Electrical Requirements

No dwelling or appurtenant structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 132.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

§ 132. Installation Requirements

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations. Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcement agency determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the enforcement agency may require further electrification of the structure. It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

§ 134. Plumbing Requirements

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations applicable to the construction of limited density owner–built rural dwellings.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

Ordinance No. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR

AN ORDINANCE ADDING SUBSECTIONS 15.10 TO CHAPTER 15. ADOPTING REGULATIONS FOR LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS.

The Board of Supervisors of the County of Amador does ordain as follows:

SECTION I. Findings of Fact and Determinations in Support of Ordinance.

A. Pursuant to Health and Safety Code sections 17922 and 18935, the State Building Standards Commission adopted rules and regulations contained in both Title 24 of the California Code of Regulations and the various uniform codes; and

B. Pursuant to Health and Safety Code section 17958, the Count of Amador must adopt by Ordinance regulations imposing the same requirements as those adopted by the State Building Standards commission; and

C. The County of Amador may make changes or modifications in the adopted standards only to the extent authorized pursuant to Health and Safety Code sections 17958.5 and 179587; and

D. Pursuant to Health and Safety Code section 17958.2 the Department of Community Development adopted regulations for limited density owner-built rural dwellings which are codified in Article 8 of Title 25 of the California Code of Regulations; and

E. The limited density owner–built rural dwelling regulations contained in Article 8 of Title 25 do not become operative in Amador County unless the Board of Supervisors makes findings that the application of such is reasonably necessary due to local conditions; and

F. The County of Amador desires to permit limited density owner-built rural dwellings as permitted by Article 8 of Title 25.

G. The County of Amador contains limited density-rural areas displaying conditions appropriate for the application of Article 8 of Title 25 of the California Code of Regulations; and

H. The Board of Supervisors of the County of Amador makes the following express findings that the application of Article 8 of Title 25 of the California Code of Regulations is reasonably necessary:

1. Portions of the unincorporated area of Amador County are predominantly rural and of limited density, with suitability for urbanization limited by their distance from and access to urban areas.

2. Within the rural areas of the County so designated, there is an identified need and desire of numerous landowners and homeowners to be able to legally reside in homes they have constructed or propose to construct on their own property which pose no health or safety hazard but which would be permitted only as limited density owner-built rural dwellings authorized pursuant to Article 8 of Title 25 of the California Code of Regulation.

3. Adoption of these regulations within those rural areas would assist the bringing of illegal structures of sound structural condition in the limited density areas into the system and abatement of substandard structures endangering the life, limb, health or safety of their occupants.

SECTION II. Chapter 15.10 is hereby added to the Amador County Code as follows:

Chapter 15.10
LIMITED DENSITY
OWNER-BUILT RURAL DWELLING REGULATIONS
(FOR ALTERNATIVE OWNER BUILDERS)

15.10.010. GENERAL PROVISIONS.

On Month, Day, Year, the Amador County Board of Supervisors, duly made findings that there are special local conditions within specified areas of Amador County where modifications and changes of the standard regulations for limited density owner-built rural dwellings are reasonably necessary because of local climatic, geographical or topographical conditions. The rural housing construction standards adopted by this chapter are modifications to the standard building regulations otherwise applicable in Amador County and are adopted pursuant to Section 17958.5 of the Health and Safety Code.

15.10.020 PURPOSE AND INTENT.

The modifications contained in this chapter are intended to permit, under specified circumstances, the use of the ingenuity and preferences of individual builders of dwellings intended for occupancy by the builder in designated areas of Amador County, while at the same time maintaining minimum requirements for the protections of life, limb, health, property, safety and welfare of the general public and the occupants of dwellings constructed pursuant to this chapter. It is further intended to allow the use of substitute materials and procedures and alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by these modifications. In applying these modifications, the Chief Building Official shall have the authority to exercise reasonable judgment in determining compliance with all requirements of this chapter.

15.10.030. APPLICATION.

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built, owner-occupied dwellings and appurtenant structures in rural areas in Amador County. Such dwelling and appurtenant structures shall include seasonally or permanently occupied dwellings, hunting shelters, vacation homes, recreational shelters and detached bedrooms used solely by the owner of the dwelling.

15.10.040. EXISTING BUILDINGS.

A building permit may be obtained pursuant to the provisions of this chapter for a dwelling that was constructed or was partially constructed before the effective date of these modifications, provided:

(a) The applicant is the owner of the dwelling at the time of application for and issuance of the permit; and
(b) The dwelling meeting all standards required by this chapter; and
(c) An inspection of the dwelling is made by the Chief Building Official or his/her designee, and he/she determines that the requirements of this chapter have been met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling.

15.10.050. DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the meanings given below:

(a) Detached bedroom. A separate accessory structure without kitchen or sanitation facilities, designed for and used primarily as a sleeping facility in conjunction with a main structure which includes kitchen and sanitation facilities.
(b) Greywater. All domestic wastewater obtained from the drainage of showers, bathtubs, kitchen sinks, lavatories, and laundry facilities, exclusive of water utilized for the transport and disposal of body eliminations.
(c) Owner-occupied rural dwelling. Any structure consisting of one or more habitable rooms intended or designed for single family occupancy with all basic facilities for living and sleeping which is situated or is to be situated in a rural area to which the provisions of this chapter are applicable and which is owned by one or more members of the family occupying the structure.
(d) Owner-built. A structure owned and constructed by any person or family member who acts as the general contractor for, or as the provider of, all or the major part of the labor expended to build the structure and which is to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy. "Owner-Built" shall also mean constructed by a licensed contractor for occupancy by the person or persons owning the property at the time construction is commenced.
(e) For the purposes of this article the sale, lease, renting or employee occupancy of owner-built structures in one year of issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

(f) Rural or rural area. The part of Amador County which is outside boundaries of an incorporated city, or a community services district. "Rural" or "rural area", for the purposes of this chapter, also includes any lot over 1 acre, and which is zoned to permit residential use either as a principal use or with a conditional use permit.

The written determination by a city or community services district as to whether or not community services will be available to any parcel in the foreseeable future, based upon reasonable projections, shall be used as the primary basis for deciding if land for which a permit is sought pursuant to this chapter is located beyond the reasonably projected availability of community services.

(g) Sound structural conditions. "Sound structural condition" means a structure in which:
  (1) Any plumbing, any fireplace, wood stove or other source of heat, any electrical wiring, which has been built in conformance with and conforms to the applicable codes and which has been and is maintained in a good condition so as to present no unreasonable risk of health and safety; and
  (2) The fireplace of chimney does not list or bulge and has not settled due to defective material or deterioration, and in which fireplaces and chimneys are of sufficient size to carry imposed loads with safety.

(h) Substandard building. A structure in which there exists any condition that abnormally endangers the life, limb, health, or safety or anyone within or outside of such structure.

15.10.060. PERMIT APPLICATIONS.

Permits shall be required for the construction or repair of owner-built, owner-occupied rural dwellings and appurtenant structures. Applications for a permit pursuant to this chapter shall be made to the Building Department. Permit applications shall contain the following information:

(a) Name and mailing address of the applicant;
(b) The location, Assessor's parcel number, and address (if known) of the site where the proposed structure is to be built;
(c) A general description of the structure and the intended use (where applicable), mechanical installations with all clearance and venting procedures detailed, electrical installations, and fire safety details;
(d) A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water source and water ways;
(e) If the application being made pertains to a dwelling structure, application shall be made concurrently for approval by the County Department of Public Health of the installation of sewage or waste disposal facilities;
(f) In the case of dwellings, an agreement shall be recorded by the applicant that the dwelling is to be owner-built, owner-occupied and used only for residential purposes;
(g) The plan provided for in Section 15.10.080 of this chapter;
(h) Such other necessary data or information as may be required by the Chief Building Official to implement these regulations.

15.10.070. FREQUENCY OF PERMITS

No more than two (2) building permits of initial construction of an owner-built, owner occupied dwelling in a rural area shall be issued to the same person in any five (5) year period.

15.10.080. PLANS.
Each applicant for a building permit pursuant to the provisions of this chapter shall, at the time of making such application, submit a plan for the proposed structure. Such plans shall contain a general description of the structure and all necessary specific information to reasonably facilitate a determination by the Chief Building Official or his/her designee, conformance with all applicable codes, including the provisions of this chapter. The plans may include a simplified diagram of the single-item floor plan and site evaluation in order to determine the appropriate dimensions of structural members.

15.10.090. WAIVER OF PLANS.
The Chief Building Official or his/her designee may waive the submission of plans required under the provisions of Section 331.5-8 which he/she determines are not necessary to obtain compliance with this chapter, based upon the nature of the work for which application is made.

15.10.100. PLAN MODIFICATION.
Modifications to the design materials and methods of construction may be allowed provided that the building continues to conform to the provisions of this chapter and the Chief Building Official or his/her designee has approved the modification in writing.

15.10.110. PERMIT ISSUANCE.
When the Chief Building Official or his/her designee determines that the planned work will comply with all applicable codes, including provisions of this chapter, the permit shall be deemed complete.

15.10.120. PERMIT VALIDITY.
Permits issued for initial construction of dwellings shall be valid, without renewal, for a period of five (5) successive years. Extension of a permit beyond five (5) years without payment of an additional fee may be approved by the Chief Building Official upon a supplemental application being filed with the Chief Building Official before expiration of the five (5) year term of validity. The application shall contain a statement of facts in support of the extension including an explanation of why the work was not completed within the five (5) year period. If the Chief Building Official determines that there is sufficient reason for the construction not having been completed by the applicant during the five (5) year period, he shall issue an extension of the permit for an appropriate period within which the work can be completed, but in no event to exceed one (1) year for an extension. Application may be made for additional extensions.

15.10.130. PERMIT REVIEW
(a) Basis of Approval. Pursuant to Section 218 of Title 26 of the California Administrative Code, except as otherwise provided by this chapter, dwellings and appurtenant structures constructed in compliance with this chapter **need not** conform with the construction requirements prescribed by the ***latest*** applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes.
(b) Mechanical Requirements. Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in

accordance with the requirements of the Uniform Building Code, the Uniform Mechanical Code and the Uniform Plumbing Code. Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability.

(c) Heating Capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter, however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid fuel or solar heating devices shall be deemed to comply with the requirements of this section. If nonrenewable fuel is used in the dwelling, rooms so heated shall meet current insulation standards.

(d) Electrical Requirements. No dwelling or appurtenant structures constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in this subsection.
If electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the current version of the National Electrical Code for single-family dwellings. In structures where electrical usage is to be confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the Chief Building Official determines that electrical demands are reasonably expected to exceed the wiring capacity of the area that is to be wired. In such instances, the Chief Building Official may require such further electrification of the structure as may be necessary to meet the excess anticipated demand.
The provisions of this subsection apply to buildings which include a workshop, kitchen, or other single room which may require electrification and there is no expectation of further electrical demand.

(e) Room Dimension Requirements. The only room dimension or other room requirements for a structure constructed pursuant to this chapter shall be as follows:
Bedrooms shall be equipped with either a door to the outside or an exterior window with 5.7 square feet of openable area for emergency exit. The window shall have a minimum width of 20 inches, a minimum height of 24 inches, and the window sill shall not be more than 44 inches above the bedroom floor.

(f) Sanitation Facilities. A bathtub or shower and a lavatory, or alternate bathing and washing facility shall be provided at the dwelling site.
A water closet shall not be required when an alternative system is provided and has been approved by the County Health Department. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use and discharge.

The Environmental Health Department shall regulate:

(1) The type, design and number of sanitation and bathing and washing facilities to be provided at each dwelling site. Such facilities shall not be required to be placed within the dwelling; and

(2) The design, use and maintenance standards for greywater disposal and treatment systems.

(g) Plumbing Specifications. Where conventional plumbing, in all or in part, is installed within a dwelling, it shall be installed in accordance with the Uniform Plumbing Code. Alternative materials and methods shall be permitted if the design complies with the intent of such code, and such alternatives shall perform to protect health and safety for the intended purpose.

(h) Water Supply. There shall be a minimum reserve of fifty (50) gallons of potable water available. Where water delivery is pressurized, piping shall be installed in accordance with the provisions of this chapter.
In addition to the domestic water supply, a firefighting water supply of at least 2,500 gallons (pond, tank or equivalent) shall be maintained on the property. If access to the supply is by pipe, such pipe shall be at least 1-1/2 inches in diameter and shall have at least one hose outlet no less than fifty (50) feet from the property dwelling. If the water storage facility is below the fire equipment access level, then the firefighting equipment must be able to get within fifteen (15) feet of a water supply which is not piped to the primary dwelling.

(i) Fire Safety.
   (1) Access. If a dwelling has access by road, such road should be wide enough for fire equipment, should provide turnouts long enough for fire equipment where the terrain permits, and should contain a turnaround space for fire equipment. This turnaround space may be part of the firebreak. The maximum load of any bridge on the access road should be determined, and this information should be posted and maintained at the bridge, by the occupant of the premises. Bridges should support at least a 40,000-pound load.
   (2) Firebreaks. Flammable undergrowth shall be removed for thirty (30) feet around each structure on the property or on the property line, whichever is nearer. However, single specimens of trees, ornamental shrubbery or ground cover plants which do no form a means of rapidly transmitting fire from the native growth to any structure may be maintained within the firebreak.
   (3) Chimney Clearance. The portion of any tree which extends within ten (10) feet of the outlet or any chimney or stovepipe shall be removed. Chimney clearance shall comply with the requirements as set forth in the Uniform Mechanical Code.
   (4) Overhanging Deadwood. Dead or dying wood shall be removed from any tree adjacent to or overhanging any structure.
   (5) Rooftop. The roof of any structure shall be maintained free of leaves, needles or other dead vegetable growth.

15.10.140. INSPECTIONS.

All construction or work for which a permit is required under this chapter shall be subject to inspection by County inspectors. Structures of conventional or simple construction shall be inspected at a single final inspection.
Additional inspections shall be conducted under the following circumstances:
An inspection shall be conducted where there is reason to believe that the footing of the structure will be subjected to abnormal vertical or lateral movement due to unstable soil conditions; or in cases where interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is to be employed which would preclude examination at a single inspection.

15.10.150. INSPECTION REQUESTS AND NOTICES.

It shall be the duty of the holder of a building permit issued under this chapter to notify the Building Official, Health Department, Fire District, or California Department of Forestry, as appropriate, that the construction is ready for inspection and to assure that the premises will be accessible at the time scheduled for inspection. Inspections shall be requested by the applicant at

least forty-eight (48) hours in advance of the intended inspection. The inspector shall notify or inform the permit holder of the day during which the inspection is be conducted and shall notify the permit holder if the inspection cannot be made as scheduled.

15.10.160. RECORDED AGREEMENT.

An Agreement shall be recorded against the property on which the Limited Density "Owner Built" Rural Dwelling is constructed stating that the building was constructed without plan check or inspections for wind or seismic loads.

15.10.170. TEMPORARY OCCUPANCY.

An owner-builder and his/her immediate family may use and occupy a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure if approved sanitary facilities are available and functioning at the site and if the work completed does not endanger life health or safety. Neither the County nor any official or employee thereof shall be responsible for any injuries to anyone, occupants or otherwise, which are attributable to the unfinished structure.

15.10.180. CHANGES IN OCCUPANCY.

The occupancy of a structure constructed in accordance with a permit issued pursuant to this chapter by anyone other than the owner-builder of that structure constitutes a change in occupancy.

Upon a change in occupancy, no new occupancy of the structure shall occur until either:

(a) Each new adult occupant files with the Building Department a statement under penalty of perjury stating that he/she is occupying the structure with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes and from which the occupant hold the County, its officer, employees and agents harmless. The occupant shall also agree, as a condition of the new occupancy permit, to abide by all applicable conditions of the building permit under which the structure was constructed; or

(b) The building is brought into compliance with the provisions of Title 25, Article 10, of the California Administrative Code or the appropriate Uniform Building Code standard.

For the purposes of this section "occupancy" means actual physical occupation of the premises rather than a change in type of use as typically defined in uniform codes.

15.10.190. FEES FOR PERMITS AND INSPECTION.

(a) Any person required to obtain a building, plumbing, electrical, heating or comfort-cooling permit under this chapter, or a combination of any such permits, shall at the time of filing an application therefore pay to the Chief Building Official the fees set forth in the current resolution of the Board of Supervisors establishing fees for permits issued.

(b) Where work is commenced after the effective date of these regulations and prior to obtaining a permit, a double fee may be charged.

(c) The Chief Building Official may refund up to eighty (80 %) of the permit fee subject to the following limitations:
   (1) Fees allocable to plan checking are not refundable after that Building Department has commenced review of the plans;
   (2) No work shall have commenced on the project for which such permit was issued;
   (3) The permit must be canceled by the owner or holder, in writing, within sixty (60) days of the date of issuance; and
   (4) No refund shall be made when the permit fee is Ten Dollars ($10.00) or less.

15.10.200. RECORDS.

It shall be the duty of the Chief Building Official to keep a permanent record of all pertinent transactions under this chapter and to render a monthly report to the Board of Supervisors concerning such transactions. The Chief Building Official shall transmit to the County Assessor copies of all applications for building permits and copies of all completion report pertaining to building permits.

15.10.210. LIABILITY.

This chapter shall not be construed as imposing upon the County or upon any of its officer or employees any liability or responsibility for injury or damage resulting from any building, plumbing, electrical, heating, or comfort-cooling work approved or performed hereunder.

15.10.220. VIOLATION CONSTITUTING A PUBLIC NUISANCE.

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. Any failure, refusal or neglect to obtain a permit as required by this chapter shall be prima facie evidence that a public nuisance has been created in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipping, use, occupation or maintenance of a moved, improved, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter.

15.10.230. PENAL PROVISIONS.

(a) No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter or any order issued by the Chief Building Official or the Environmental Health Director hereunder.

(b) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the County Jail of the County of Amador for not more than six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of the provisions is committed, continued or permitted by such person.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Amador County Building Department
810 Court Street
Jackson, CA 95642

APN:
Limited Density Rural Dwelling:

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

AGREEMENT

This Agreement is entered into as of _____, 201_ by and between the COUNTY OF AMADOR, a political subdivision of the State of California (the "County") and _____, ("Owner").

RECITALS

A. Owner owns certain real property (the "Property") situated in the unincorporated area of the County of Amador, State of California, described as follows:

_____
_____
_____
_____

Owner desires to construct a Limited Density Owner-Built Rural Dwelling on the Property and has applied for a Limited Density Owner-Built Rural Dwelling Building Permit. This Limited Density Owner Built Rural Dwelling is constructed without plan check or inspections for wind or seismic loading conditions.

B. Owner understands and agrees that the Limited Density Owner-Built Rural Dwelling can only be used as provided in Amador County Code Chapter 15.10 and that any violation of the conditions under which the Limited Density Owner-Built Rural Dwelling was granted may void the permit.

C. As a condition of issuance of the Limited Density Owner-Built Rural Dwelling, the County requires that the restrictions on the use of the structure and all further obligations of Owner set forth in this Agreement run with the land and be made a matter of public record so that any future purchasers of the Property will be made aware of them.

D. Owner is aware that this agreement will be recorded in the Amador County Recorder's Office.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The parties acknowledge the truth of the recitals set forth above, which are incorporated into this Agreement.

2. Restriction on Use of Limited Density Owner-Built Rural Dwelling. The structure permitted under this section shall be owner-built, owner-occupied and used only for single family residential purposes. The sale, lease, renting or employee occupancy of owner-built structures within one year of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

3. Additional Obligations of Owner.

3.1 Owner understands and agrees that the structure permitted as a Limited Density Owner-Built Rural Dwelling, shall be constructed in compliance with Chapter 15 of the Amador County Code, and all other applicable laws of Amador County, the State of California and any federal laws that may apply.

3.2 Owner acknowledges that if the Limited Density Owner-Built Rural Dwelling permit becomes void or expired, Owner shall be required to remove the structure or fully permit the structure and pay all fees then in effect.

3.4 Owner agrees to indemnify the County of Amador and its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers and employees arising from performance or non performance of the its obligations under this Agreement.

4. County's Remedies Upon Default. Owner acknowledges that any violation of this Agreement shall constitute a public nuisance. Upon any violation of this Agreement, the County may pursue any remedies provided by statute or ordinance. In addition to all other remedies provided by law, Owner further agrees that the County or any governmental entity having jurisdiction may obtain immediate injunctive relief against any use of the structure that is inconsistent with this Agreement.

5. Covenant Running with the Land. Owner agrees that the restrictions and obligations of Owner set forth in this Agreement shall be perpetual and run with the land, binding future owners of the Property, unless and until the Limited Density Owner-Built Rural Dwelling is either (i) removed from the property, or (ii) fully upgraded and permitted to the current building code by the County.

6. No Waiver of Remedies. Failure to exercise any remedy provided for in this Agreement shall not, under any circumstances, be construed as a waiver of the remedy.

7. Entire Agreement. This Agreement contains the entire agreement of the parties respecting its subject matter, and supersedes any and all prior discussions, representations, and oral or written agreements, if any, between the parties.

COUNTY: OWNER:

BY:_____
Xxxxx Yyyyyy
Chairman, Board of Supervisors

BY:_____
XXXXXXXXXXX.
XXXXXXXXXX

APPROVED AS TO FORM:
GREG GILLOTT,
AMADOR COUNTY COUNSEL

ATTEST:
JENNIFER BURNS, CLERK OF THE
BOARD OF SUPERVISORS

BY:_____

BY:_____

[PARTY SIGNATURES MUST BE ACKNOWLEDGED]

(c) The provisions of subsection (b) shall not apply to an owner of real property building or improving structures thereon of appurtenances thereto who does such work himself, provided that:
   (1) Such structure or structures are not intended or offered for sale, lease or rent; and;
   (2) Such structure or structures are one-family dwellings, farm or ranch buildings, which are not more than two (2) stories in height.

(d) In all action, criminal or civil, brought under this chapter, proof of the sale, leasing or renting, or the offering for sale, lease or rent, of any such structure by the owner-builder within three (3) years after completion of construction is presumptive evidence that such structure was undertaken for purposes of sale, lease or rent. Sale, lease or rent of a Limited Density Rural Dwelling may be allowed by the Chief Building Official upon demonstration of hardship.

Community Development Agency

810 Court Street, Jackson CA 95642 Phone 209-223-6429 Fax: 209-223-6395

TO: Public Works Committee

FROM: Aaron Brusatori, Community Development Director

DATE: May 29, 2013

SUBJECT: Limited Density Rural Dwellings

The public works committee asked staff to investigate implementation of Limited Density Rural Dwellings by other counties that have a LDRD program. The Community Development Director phoned Butte County, Humboldt County and Mendocino County to inquire about their experiences.

Questions that were asked are as follows:

1. How do you address conflicts between building code and fire code?
2. How do you address noise from generators?
3. Do you require fire sprinklers?
4. Do you require fees, ie traffic impact fees?
5. General opinion of the program?

Mendocino County
Chris Warrick – Building official - (707) 964-5379

1. Chris explained that the structures do not need to comply with the latest title 24 requirements but the building access must meet fire code 4290. All work must be quality work, for example, electrical, if provided in the structure must include GFI, but the number of outlets does not need to meet the code. The owners have the option of scheduling inspections or only requesting a final inspection. A notice is recorded against the property stating that the building was constructed without plan check or inspection for wind loads or seismic loads.

2. Noise from generators would be governed by noise ordinance. Inspection

3. Fire sprinklers are not required, as the builder can build to a previous code cycle prior to fire sprinkler requirements.

4. All permit fees are required to be paid, all impact fees are required to be paid. The owner can waive all inspections except for the final inspection.

5. 85% of all the new permits are LDRD (Class K) permits. He feels it has been a good thing, as owners have not been required to spend excessive money on fire sprinklers. The homes are built similar to homes from the 70's, good quality, but without engineering for wind and seismic. A lot of the homes are off grid, but they allow LDRD connection to the grid. LDRD has provided a means of getting illegal structures permitted under amnesty programs. Homes can utilize the energy code of the 70's or 80's. He checked with Cal Energy commission and they agreed that previous energy codes could be used to get homes permitted.

Humboldt County
Todd Sobolik – Building Official – 707-268-3746

1. Fire code does not apply. Fire safe code does apply (access). They check plans for egress and window size. Electrical, HVAC, plumbing, if installed would need to be to code.
2. No problems with generators, most LDRD are on the grid or in the boonies.
3. Fire sprinklers are not required.
4. Modified fee schedule for LDRD. They do not have traffic impact fees. School fees are due. Some permit fees waived as it is a simple review (no electrical or plumbing in cases).
5. Todd thinks that Humboldt's LDRD is lacking. He would recommend a maximum size (SF) of structure, limit to only one story, roofing and siding should meet urban wild land interface requirements, and a notice should be recorded against the property.

Butte County
Rowland Hickel - Butte Dev Service - 530-538-7150 / Nancy Springer – Building – Manager- 530-538-7601

CLASS K ORDINANCE

MENDOCINO COUNTY PLANNING AND BUILDING SERVICES

CHAPTER 18.23
REGULATIONS FOR LIMITED DENSITY RURAL DWELLINGS

Sec. 18.23.010 Authority.

This chapter is adopted in accordance with the provisions of Health and Safety Code Section 17958.2. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.020 Purpose.

The purpose of this chapter is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density rural dwellings and appurtenant structures. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.030 Intent and Application.

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures. *(Ord. No.3343, adopted 1981.)*

It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.033 Definition of Owner-Built.

(A) "Owner-Built" shall mean constructed by any person or family who acts as the general contractor for or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, or rent or employee occupancy. *(Ord. No. 3343, adopted 1981.)*

(B) For the purposes of this article, the sale, lease, renting or employee occupancy of owner-built structures within one year of the issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting. *(Ord. No. 3343, adopted 1981.)*

(C) "Owner-Built" shall also mean constructed by a licensed contractor for occupancy by the person or persons owning the property at the time construction is commenced. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.040 Application to Buildings Existing on or after January 1, 1980. *(Repealed by Ord. No. 3491, adopted 1984.)*

Sec. 18.23.050 Abatement of Substandard Buildings.

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair. rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner-occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.060 Recording.

Each time a permit is issued pursuant to this chapter, the Building Department shall record with the County Recorder a notice that a permit has been issued pursuant to the provisions of this chapter. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.070 Violations.

The critical concern in the promulgation of this chapter is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this Chapter, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency. *(Ord. No. 3343, adopted 1981)*

Sec. 18.23.080 Permits.

Permits shall be required for the construction of rural dwellings and appurtenant structures. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.090 Issuance.

The application, plans, and other data filed by an applicant for a permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this chapter. Where the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the agency shall issue a permit therefore to the applicant. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.100 Application.

To obtain a permit, the 'applicant shall first file an application therefore with the designated enforcement agency. Permit applications shall contain the following information:

(1) name and mailing address of the applicant;

adopted 1981; Ord. No. 3828 (part), adopted 1992.)

(2) address and location of the proposed structures;

(3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details;

(4) a plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways;

(5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency;

(6) the signature of the owner or authorized agent;

(7) the use or occupancy for which the work is intended;

(8) and any other data or information as may be required by statute or regulation;

(9) a stipulation by the applicant that the building or structure is to be owner-built, or built for the occupancy of the owner by a licensed contractor. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.110 Plans.

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s). *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.120 Waiver of Plans.

The enforcement agency may waive the submission of any plans if the agency finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this chapter. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.130 Modifications.

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this chapter, and the enforcement agency is notified in writing of the intended administration of this Chapter. *(Ord. No. 3343, adopted 1981.)*
modification. *(Ord. No. 3343. adopted 1981.)*

Sec. 18.23.140 Permit Validity.

Permits shall be valid, without renewal, for a maximum period of three years. *(Ord. No. 3343, adopted 1981; Ord. No. 3828 (part), adopted 1992.)*

Sec. 18.23.150 Inspections.

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.160 Issuance of Inspections.

An inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this Chapter. Structures of conventional or simple construction shall be inspected at a single inspection. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.170 Special Inspections.

Additional inspections may be conducted under the following circumstances:

An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions. If soils conditions constitute a potential structural problem, foundation and structure shall have engineering provided by a California licensed civil or structural engineer.

Additionally, inspections may be conducted where the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection. *(Ord. No 3343,*Sec. 18.23.180 Inspection Waivers.)

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this chapter. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.190 Inspection Requests and Notice.

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for

inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the Inspection is to be conducted. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.200 Certificate of Occupancy.

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this Chapter. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.210 Temporary Occupancy.

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health, or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.220 Fees.

Inspection fees shall be established by resolution of the Board of Supervisors to reflect the actual inspection and administrative costs resulting from the

Sec. 18.23.230 Detached Bedroom.

A "detached bedroom" is a separate accessory structure without kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for one family, to be employed in conjunction with a main structure(s) which include kitchen and sanitation facilities. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.240 Greywater.

"Greywater" shall include all domestic waste water obtained from the drainage of showers, bathtubs, kitchen sinks, laboratories, and laundry facilities, exclusive of water utilized for the transport and disposal of body eliminations. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.250 Limited Density Rural Dwelling.

A "limited density rural dwelling" is any structure consisting of one or more habitable rooms, and not exceeding two and one-half stories, intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfills the requirements of this chapter. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.260 Rural.

For the purposes of this chapter only, "rural" shall mean those unincorporated areas of the County designated and zoned for one acre minimums or larger acre minimums. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.270 Sound Structural Condition.

A structure shall be considered to be in sound structural condition when it is constructed and maintained in substantial conformance with accepted construction principles, technical codes, or performance criteria which provide minimum standards for the stressing of structural members; footing sizes when related to major load-bearing points; proper support of load-bearing members; nailing schedules where essential to general structural integrity; and provisions for adequate egress, ventilation, sanitation, and fire safety. Conditions which would not render a structure unsound are the minor deflections or elasticity of structural members, ceiling heights; size or arrangement of rooms; heating, plumbing, and electrification requirements; alternative materials, appliances or facilities; or methods of construction. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.280 Substandard Building.

A substandard building is a structure or portion thereof in which there exists any condition to an extent that endangers the life, limb, health, or safety of the occupants. Except as amended by the provisions of this chapter, Chapter 10 of the Uniform Housing Code, 1976 Edition, as published by ICBO, shall be the determining criteria for compliance with the standards of this Chapter and the defining of a substandard building. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.290 General Requirements.

Each structure shall be constructed and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.300 Intent of General Requirements.

It shall be the purpose and intent of this Chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure

shall perform in application for the purpose intended. To provide for the application of this Chapter, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.310 Technical Codes to be a Basis of Approval.

Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electric Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the uniform technical codes. Such codes shall be a basis for approval. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.320 Structural Requirements.

Buildings or structures constructed pursuant to this chapter may be of any type of construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by Section 1001(c), Uniform Housing Code (1976 Edition). *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.330 Foundations.

Pier Foundations, stone masonry footings and foundations, pressure treated lumber, poles, or equivalent foundation materials or designs may be used, provided that the bearing is sufficient for the purpose intended. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.340 Materials.

Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber or shakes and shingles may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.350 Mechanical Requirements.

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with the requirements of Chapter 37 of the Uniform Building Code (1976 Edition), Chapter 9 of the Uniform Mechanical Code (1976 Edition), and Chapter 12 of the Uniform Plumbing Code (1976 Edition). Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.360 Heating Capacity.

A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter, however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid fuel or solar heating devices shall be deemed as complying with the requirements of this section. If non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.370 Electrical Requirements.

No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 18.23.380. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.380 Installation Requirements.

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the National Electrical Code adopted by the Commission for single family dwellings.

Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcement agency determines that electrical demands are expected to exceed the confinement and capacity of that room(s). In such instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.390 Room Requirements.

There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress. In single family dwellings not exceeding two stories in height

where, due to the location or to the surrounding terrain, emergency rescue from the exterior is not feasible, egress windows from sleeping spaces may be omitted when an additional doorway or an approved exit escape hatch is provided for egress from such rooms. The doorways provided shall open directly to the exterior of the building or shall open onto corridors or passageways which lead to individual exterior exits. The corridors or passageways provided shall not cross nor shall they follow the same route in whole or in part to the building exterior. Approved exit escape hatches shall be installed in accordance with the terms of their approval. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.400 Sanitation Requirements.

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the local health official, shall be provided to the dwelling sites. It shall not be required that such facilities be located within the dwelling. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.410 Plumbing Specifications.

Where conventional plumbing, in all or in part, is installed within the structure, it shall be installed in accordance with the Uniform Plumbing Code (1976 Edition). Alternative materials and methods shall be permitted provided that the design complies with the intent of the Code, and that such alternatives shall perform to protect health and safety for the intended purpose. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.420 Sanitation Facilities.

A water closet shall not be required when an alternate system is provided and has been approved by the local health official. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use and discharge. The design, use, and maintenance standards of such systems shall be the prerogative of the local health official and shall comply with the requirements of the Mendocino County Code.

A bathtub or shower and a lavatory, or alternate bathing and washing facility approved by the local health official, shall be provided to the dwelling *site. (Ord. No. 3343, adopted 1981.)*

Sec. 18.23.430 Water Supply.

Potable water shall be available to the dwelling site, although such water need not be pressurized. Where water is not piped from a well, spring, cistern, or other source, there shall be a minimum reserve of 200 gallons of potable water available. Where water delivery is pressurized. piping shall be installed in accordance with the provisions of this article. *(Ord. No. 3343, adopted 1981)*

Sec. 18.23.433 Connection to Water and Sewer.

"Limited Density Rural Dwellings" which are instructed within an area for which public water or public sewer is provided, shall be connected to the public water system and/or the public sewer system which is available. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.440 Findings in Support of Adoption of Regulations for Limited Density Rural Dwellings.

Pursuant to Health and Safety Code Section 17958.2, the Board of Supervisors has made the express finding that the adoption of the regulations for limited density rural dwellings and the modification of these regulations to apply to dwellings built by contractors for occupancy by owners of the property as well as owner-built dwellings is reasonably necessary because of local conditions based upon the following:

(1) The citizens of Mendocino County have, through their elected Board of Supervisors, expressed a desire to legalize the construction of limited density rural dwellings complying with the standards set forth in this chapter.

(2) Mendocino County is a rural coastal County located between approximately 39 degrees and 40 degrees north latitude. It has a moderate climate. It is not usually subject to severe snowstorms, windstorms or blizzards. Its mountainous terrain and lack of developed roads creates some degree of isolation for many parts of the County and some difficulty in the transportation of building materials and in obtaining skilled and expert assistance for the construction or rehabilitation of rural dwellings.

(3) It has been determined that the adoption of regulations for limited density rural dwellings will not constitute a danger to the health and safety of the citizens of Mendocino County as long as standards for electrical, mechanical and sanitation facilities are maintained.

(4) Mendocino County has a severe housing shortage. Low cost housing is especially hard to find in the County and the adoption of regulations for limited density rural dwellings will encourage the further construction of such dwellings.

(5) State law mandates the County of Mendocino to adopt a General Plan which makes adequate provisions for housing its citizens. The adoption of regulations for limited density rural dwellings is an attempt by the County to achieve an acceptable housing inventory for its General Plan. State law further requires the County of Mendocino to provide shelter for those residents qualifying for general relief. The general welfare of the County requires the adoption of regulations for limited density rural dwellings so that all County residents may be housed.

(6) The Uniform Building Codes are complex and may be beyond the understanding of many owner-builders and home owners. Yet they allow the Building Department a great degree of flexibility in applying them giving rise to charges of lack of uniform application and that in fact virtually all structures in the County are in some degree in violation of the law. The geographical and topographical conditions of the County creates such isolation that it is difficult to conduct the necessary inspections to verify or refute this charge. Because the Uniform Building Codes are of such complexity that they are difficult to enforce under the geographical, topographical and climatic conditions of the County, common sense dictates that these codes be replaced by the regulations for limited density rural dwellings which provide a performance standard of evaluation.

(7) The amendment of these regulations to apply to homes built by a contractor for an owner will enable owner-builders to obtain the skilled help of licensed contractors to the benefit of themselves and the community.

(8) Based upon the above stated local conditions, the Mendocino County Board of Supervisors determines that the adoption of regulations for limited density rural dwellings and the amendment of these regulations to apply to dwellings built by contractors for occupancy by the property owners as well as owner-built dwellings is necessary so that County residents may be provided housing at a cost affordable to themselves and to the County of Mendocino. *(Ord. No. 3343, adopted 1981.)*

Sec. 18.23.441 Findings and Support of Adoption of Ordinance providing for the application of Chapter 18.23 of the Mendocino County Code "Regulations for Limited Density Rural Dwellings" to buildings existing on or after January 1, 1980.

(Repealed by Ord. No. 3491, adopted 1984.)

CHAPTER 1.5

MODIFIED LIMITED DENSITY OWNER-BUILT RURAL DWELLING REGULATIONS (FOR ALTERNATIVE OWNER BUILDERS)

331.5-1. GENERAL PROVISIONS.

On July 10, 1984, the Humboldt County Board of Supervisors, duly made findings that there are special local conditions within specified areas of Humboldt County where modifications and changes of the standard regulations for limited density owner-built rural dwellings are reasonably necessary because of local climatic, geographical or topographical conditions. The rural housing construction standards adopted by this chapter are modifications to the standard building regulations otherwise applicable in Humboldt County and are adopted pursuant to Section 17958.5 of the Health and Safety Code. (Ord. 1644, § 2, 7/10/84)

331.5-2. PURPOSE AND INTENT.

The modifications contained in this chapter are intended to permit, under specified circumstances, the use of the ingenuity and preferences of individual builders of dwellings intended for occupancy by the builder in designated areas of Humboldt County, while at the same time maintaining minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the occupants of dwellings constructed pursuant to this chapter. It is further intended to allow the use of substitute materials and procedures and alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by these modifications.

In applying these modifications, the Chief Building Official shall have the authority to exercise reasonable judgment in determining compliance with all requirements of this chapter. (Ord. 1644, § 2, 7/10/84)

331.5-3. APPLICATION.

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built, owner-occupied dwellings and appurtenant structures in rural areas in Humboldt County. Such dwellings and appurtenant structures shall include seasonally or permanently occupied dwellings, hunting shelters, vacation homes, recreational shelters and detached bedrooms used solely by the owner of the dwelling. (Ord. 1644, § 2, 7/10/84)

331.5-4. EXISTING BUILDINGS.

A building permit may be obtained pursuant to the provisions of this chapter for a dwelling that was constructed or was partially constructed before the effective date of these modifications, provided:

(a) The applicant is the owner of the dwelling at the time of application for and issuance of the permit; and

(b) The dwelling meets all standards required by this chapter; and

(c) An inspection of the dwelling is made by the Chief Building Official and he/she determines that the requirements of this chapter have been met or substantially met to the extent that no abdormal risk to health or safety will result from occupancy of the dwelling. (Ord. 1644, § 2, 7/10/84)

331.5-5. DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the meanings given below:

(a) Detached bedroom. A separate accessory structure without kitchen or sanitation facilities, designed for and used primarily as a sleeping facility in conjunction with a main structure which includes kitchen and sanitation facilities.

(b) Greywater. All domestic wastewater obtained from the drainage of showers, bathtubs, kitchen sinks, lavatories, and laundry facilities, exclusive of water utilized for the transport and disposal of body eliminations.

(c) Owner-occupied rural dwelling. Any structure consisting of one or more habitable rooms intended or designed for single family occupancy with all basic facilities for living and sleeping which is situated or is to be situated in a rural area to which the provisions of this chapter are applicable and which is owned by one or more members of the family occupying the structure.

(d) Owner-built. A structure owned and constructed by any person of family who acts as the general contractor for, or as the provider of, all or the major part of the labor expended to build the structure and which is to be occupies as the principal residence of that person or family.

(e) Rural or rural area. That part of Humboldt County which is outside boundaries of any incorporated city, a community services district, a sphere of influence as designated by the Humboldt County Local Agency Formation Commission (or a city planning area established pursuant to Section 65300 of the Government Code in the absence of a designated city sphere of influence), or outside of an urban limit line as designated in the Humboldt County Land Use Plans. "Rural" or "rural area", for the purposes of this chapter, also includes any area which is within a community services district or sphere of influence which is located beyond the reason located beyond the reasonably projected availability of water or sewer services, and which is zoned to permit residential use either as a principal use or with a conditional use permit.

The written determination by a city or community services district as to whether or not community services will be available to any parcel in the foreseeable future, based upon reasonable projections, shall be used as the primary basis for deciding if land for which a permit is sought pursuant to this chapter is located beyond the reasonably projected availability of community services.

(f) Sound structural condition. "Sound structural condition" means a structure in which:

(1) Any plumbing, any fireplace, wood stove or other source of heat, and electrical wiring, which has been built in conformance with and conforms to the applicable codes and which has been and is maintained in a good condition so as to present no unreasonable risk of health and safety; and

(2) The fireplace or chimney does not list or bulge and has not settled due to defective material or deterioration, and in which fireplaces and chimneys are of sufficient size to carry imposed loads with safety.

(g) Substandard building. A structure in which there exists any condition that abnormally endangers the life, limb, health, or safety of anyone within or outside of such structure. (Ord. 1644, § 2, 7/10/84)

331.5-6. PERMIT APPLICATIONS.

Permits shall be required for the construction or repair of owner-built, owner-occupied rural dwellings and appurtenant structures. Applications for a permit pursuant to this chapter shall be made to the Chief building Official. Permit applications shall contain the following information:

(a) Name and mailing address of the applicant;

(b) The location, Assessor's parcel number, and address (if known) of the site where the proposed structure is to be built;

(c) A general description of the structure and the intended use (where applicable), mechanical installations with all clearances and venting procedures detailed, electrical installations, and fire safety details;

(d) A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water source and water ways;

(e) If the application being made pertains to a dwelling structure, application shall be made concurrently for approval by the County Department of Public Health of the installation of sewage or waste disposal facilities;

(f) In the case of dwellings, a certification by the applicant that the dwelling is to be owner-built, owner-occupied and used only for residential purposes;

(g) The plan provided for in Section 331.5-8 of this chapter;

(h) Such other necessary data or information as may be required by the Chief Building Official to implement these regulations. (Ord. 1644, § 2, 7/10/84)

331.5-7. FREQUENCY OF PERMITS.

No more than one (1) building permit for initial construction of an owner-built, owner occupied dwelling in a rural area shall be issued to the same person in any five (5) year period. (Ord. 1644, § 2, 7/10/84)

331.5-8. PLANS.

Each applicant for a building permit pursuant to the provisions of this chapter shall, at the time of making such application, submit a plan for the proposed structure. Such plans shall contain a general description of the structure and all necessary specific information to reasonably facilitate a determination by the Chief Building Official of conformance with all applicable codes, including the provisions of this chapter. The plans may include a simplified diagram of the single-item floor plan and site evaluation in order to determine the appropriate dimensions of structural members. (Ord. 1644, § 2, 7/10/84)

331.5-9. WAIVER OF PLANS.

The Chief Building Official may waive the submission of plans required under the provisions of Section 331.5-8 which he/she determines are not necessary to obtain compliance with this chapter, based upon the nature of the work for which application is made. (Ord. 1644, § 2, 7/10/94)

331.5-10. PLAN MODIFICATION.

Modifications to be design materials and methods of construction may be allowed provided that the building continues to conform to the provisions of this chapter and the Chief Building Official has approved the modification in writing. (Ord. 1644, § 2, 7/10/84)

331.5-11. PERMIT ISSUANCE.

When the Chief Building Official determines that the planned work will comply with all applicable codes, including provisions of this chapter, the permit shall be deemed. (Ord. 1644, § 2, 7/10/84)

331.5-12. PERMIT VALIDITY.

Permits issued for initial construction of dwellings shall be valid, without renewal, for a period of five (5) successive years. Extension of a permit beyond five (5) years without payment of an additional fee may be approved by the Chief Building Official upon a supplemental application being filed with the Chief Building Official before expiration of the five (5) year term of validity. The application shall contain a statement of facts in support of the extension including an explanation of why the work was not completed within the five (5) year period. If the Chief Building Official determines that there is sufficient reason for the construction not having been completed by the applicant during the five (5) year period, he shall issue an extension of the permit for an appropriate period within which the work can be completed, but in no event to exceed one (1) year for an extension. Application may be made for additional extensions.

Permit extensions may not be granted if building requirements applicable to the permit have changed since issuance of the permit or any prior extension thereof to the extent that allowing the work without modification will present a danger to health and safety of occupants or persons around the premises unless:

(a) The applicant agrees to comply with the new requirement, or

(b) The project can be altered so as to avoid the additional requirements. (Ord. 1644, § 2, 7/10/84)

331.5-13. PERMIT REVIEW.

(a) Basis of Approval. Pursuant to Section 218 of Title 26 of the California Administrative Code, except as otherwise provided by this chapter, dwellings and appurtenant structures constructed in compliance with this chapter need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes.

(b) Mechanical Requirements. Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with the requirements of Chapter 37 of the Uniform Building Code, Chapter 9 of the Uniform Mechanical Code, and Chapter 12 of the Uniform Plumbing Code. Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability.

(c) Heating Capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter. The use of solid fuel or solar hearing devices shall be deemed to comply with the requirements of this section. If nonrenewable fuel is used in the dwelling, rooms so heated shall meet current insulation standards.

(d) Electrical Requirements. No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in this subsection.

If electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the National Electrical Code for single-family dwellings.

In structures where electrical usage is to be confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the Chief Building Official determines that electrical demands are reasonable expected to exceed the wiring capacity of the area that is to be wired. In such instances, the Chief Building Official may require such further electrification of the structure as may be necessary to meet the excess anticipated demand.

The provisions of this subsection apply to buildings which include a workshop, kitchen, or other single room which may require electrification if there is no expectation of further electrical demand.

(e) Room Dimension Requirements. The only room dimension or other room requirements for a structure constructed pursuant to this chapter shall be as follows:

Bedrooms shall be equipped with either a door to the outside or an exterior window with 5.7 square feet of openable area for emergency exit. The window shall have a minimum width of 20 inches, a minimum height of 24 inches, and the window sill shall not be more than 44 inches above the bedroom floor.

(f) Sanitation Facilities. A bathtub or shower and a lavatory, or alternate bathing and washing facility shall be provided at the dwelling site.

A water closet shall not be required when an alternative system is provided and has been approved by the County Health Department. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use and discharge.

The County Health Department shall prepare regulations which shall specify:

(1) The type, design and number of sanitation and bathing and washing facilities to be provided at each dwelling site. Such facilities shall not be required to be placed within the dwelling; and

(2) The design, use and maintenance standards for greywater disposal and treatment systems.

(g) Plumbing Specifications. Where conventional plumbing, in all or in part, is installed within a dwelling, it shall be installed in accordance with the Uniform Plumbing Code. Alternative materials and methods shall be permitted if the design complies with the intent of such code, and such alternatives shall perform to protect health and safety for the intended purpose.

(h) Water Supply. Potable water shall be available at the dwelling site as required by Humboldt County Code § 331-11.5. However, such water need not be pressurized. There shall be a minimum reserve of fifty (50) gallons of potable water available. Where water delivery is pressurized, piping shall be installed in accordance with the provisions of this chapter.

In addition to the domestic water supply, a firefighting water supply of at least 2,500 gallons (pond, tank or equivalent) shall be maintained on the property. If access to the supply is by pipe, such pipe shall be at least 1-1/2 inches in diameter and shall have at least one hose outlet no less than fifty (50) feet from the primary dwelling. If the water storage facility is below the fire equipment access level, then the firefighting equipment must be able to get within fifteen (15) feet of a water supply which is not piped to the primary dwelling.

(i) Fire Safety.

(1) Access. If a dwelling has access by road, such road should be wide enough for fire equipment, should provide turnouts long enough for fire equipment where the terrain permits, and should contain a turnaround space for fire equipment. This turnaround space may be part of the firebreak. The maximum load of any bridge on the access road should be determined, and this information should be posted and maintained at the bridge, by the occupant of the premises. Bridges should support at least a 20,000-pound load.

(2) Firebreaks. Flammable undergrowth shall be removed for thirty (30) feet around each structure on the property or on the property line, whichever is nearer. However, single specimens of trees, ornamental shrubbery or ground cover plants which do not form a means of rapidly transmitting fire from the native growth to any structure may be maintained within the firebreak.

(3) Chimney Clearance. The portion of any tree which extends within ten (10) feet of the outlet or any chimney or stovepipe shall be removed. Chimney clearances shall comply with the requirements as set forth in the Uniform Mechanical Code.

(4) Overhanging Deadwood. Dead or dying wood shall be removed from any tree adjacent to or overhanging any structure.

(5) Rooftop. The roof of any structure shall be maintained free of leaves, needles or other dead vegetable growth. (Ord. 1644, § 2, 7/10/84)

331.5-14. INSPECTIONS.

All construction or work for which a permit is required under this chapter shall be subject to inspection by County inspectors. Structures of conventional or simple construction shall be inspected at a single inspection.

Additional inspections shall be conducted under the following circumstances: An inspection shall be conducted where there is reason to believe that the footing of the structure will be subjected to abnormal vertical or lateral movement due to unstable soil conditions; or in cases where interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is to be employed which would preclude examination at a single inspection. (Ord. 1644, § 2, 7/10/84)

331.5-15. INSPECTION REQUESTS AND NOTICES.

It shall be the duty of the holder of a building permit issued under this chapter to notify the Building Official, Health Department, Fire District, or California Department of Forestry, as appropriate, that the construction is ready for inspection and to assure that the premises will be accessible at the time scheduled for inspection. Inspections shall be requested by the applicant at least forty-eight (48) hours in advance of the intended inspection. The inspector shall notify or inform the permit holder of the day during which the inspection is to be conducted and shall notify the permit holder if the inspection cannot be made as scheduled. (Ord. 1644, § 2, 7/10/84)

331.5-16. TEMPORARY OCCUPANCY.

An owner-builder and his/her immediate family may use and occupy a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure if approved sanitary facilities are available and functioning at the site and if the work completed does not endanger life, health or safety. Neither the County not any official or employee thereof shall be responsible for any injuries to anyone, occupants or otherwise, which are attributable to the unfinished structure. (Ord. 1644, § 2, 7/10/84)

331.5-17. CHANGES IN OCCUPANCY.

The occupancy of a structure constructed in accordance with a permit issued pursuant to this chapter by anyone other than the owner-builder of that structure constitutes in occupancy.

Upon a change in occupancy, no new occupancy of the structure shall occur until either:

(a) Each new adult occupant files with the Chief Building Official a statement under penalty of perjury stating that he/she is occupying the structure with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes and from which the occupant holds the County, its officers, employees and agents harmless. The occupant shall also agree, as a condition of the new occupancy permit, to abide by all applicable conditions of the building permit under which the structure was constructed; or

(b) The building is brought into compliance with the provisions of Title 25, Article 10, of the California Administrative Code or the appropriate Uniform Building Code standard.

For the purposes of this section "occupancy" means actual physical occupation for the premises rather than a change in type of use as typically defined in uniform codes. (Ord. 1644, § 2, 7/10/84)

331.5-18. FEES FOR PERMITS AND INSPECTION.

(a) Any person required to obtain a building, plumbing, electrical, heating or comfort-cooling permit under this chapter, or a combination of any such permits, shall at the time of filing an application therefor pay to the Chief Building Official the fees set forth in the current resolution of the Board of Supervisors establishing fees for permits issued pursuant to this chapter.

(b) Where work is commenced after the effective date of these regulations and prior to obtaining a permit, a double fee shall be charged.

(c) The Chief Building Official may refund up to eighty (80%) of the permit fee subject to the following limitations:

(1) Fees allocable to plan checking are not refundable after that Building Department has commenced review of the pans;

(2) No work shall have commenced on the project for which such permit was issued;

(3) The permit must be canceled by the owner or holder, in writing, within sixty (60) days of the date of issuance; and

(4) No refund shall be made when the permit fee is Ten Dollars ($10.00) or less. (Ord. 1644, § 2, 7/10/84)

331.5-19. RECORDS.

It shall be the duty of the Chief Building Official to keep a permanent record of all pertinent transactions under this chapter and to render a monthly report to the Board of Supervisors concerning such transactions. All fees collected by the Chief Building Official shall be turned over to the County Treasurer and placed in the general fund. The Chief Building Official shall transmit to the County Assessor copies of all applications for building permits and copies of all completion reports pertaining to building permits. (Ord. 1644, § 2, 7/10/84)

331.5-20. LIABILITY.

This chapter shall not be construed as imposing upon the County or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing, electrical, heating, or comfort-cooling work approved or performed hereunder. (Ord. 1644, § 2, 7/10/84)

331.5-21. VIOLATIONS CONSTITUTING A PUBLIC NUISANCE.

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. Any failure, refusal or neglect to obtain a permit as required by this chapter shall be prima facie evidence that a public nuisance has been created in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipping, use, occupation or maintenance of a moved, improved, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter.
(Ord. 1644, § 2, 7/10/84)

331.5-22. PENAL PROVISIONS.

(a) No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter or any order issued by the Chief Building Official or the Health Officer hereunder.

(b) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the County Jail of the County of Humboldt for not more than six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of the provisions is committed, continued or permitted by such person.

(c) The provisions of subsection (b) shall not apply to an owner of real property building or improving structures thereon of appurtenances thereto who does such work himself, provided that:

(1) Such structure or structures are not intended or offered for sale, lease or rent; and

(2) Such structure or structures are one-family dwellings, farm or ranch buildings, which are not more than two (2) stories in height.

In all actions, criminal or civil, brought under this chapter, proof of the sale, leasing or renting, or the offering for sale, lease or rent, of any such structure by the owner-builder within one (1) year after completion of sale if presumptive evidence that such structure was undertaken for purposes of sale, lease or rent. (Ord. 1644, § 2, 7/10/84)

TO AMADOR LEDGER DISPATCH FOR PUBLICATION ON JANUARY 10, 2014

SUMMARY OF PROPOSED ORDINANCE ADDING REGULATIONS REGARDING CERTAIN LIMITED DENSITY RURAL DWELLINGS

On January 28, 2014, at its regularly scheduled Board meeting, the Amador County Board of Supervisors will consider a proposed ordinance adding Chapter 15.10 to the Amador County Code creating specific building standards that will apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built, owner-occupied dwellings in rural areas.

The text of the proposed ordinance is available in the office of the Clerk of the Board of Supervisors, 810 Court Street, Jackson, CA.