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ORDINANCE NO. 5199

AN ORDINANCE ADDING REGULATIONS FOR LIMITED-DENSITY OWNER-BUILT RURAL DWELLINGS

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 110.18 of Title 110 of the El Dorado County Ordinance Code entitled "Regulations for Limited-Density Owner-Built Rural Dwellings" is hereby added to read as follows:

110.18.010 Authority.

This Chapter is adopted in accordance with the provisions of Health and Safety Code Section 17958.2 and Article 8, Subchapter 1, Chapter I, Division 1, of Title 25, California Code of Regulations.

110.18.020. Purpose.

The purpose of this Chapter is to make Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations, as modified herein, operative on limited-density owner-built rural dwellings in the Grizzly Flat community of El Dorado County, and 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 such dwellings and appurtenant structures. The Findings related to the Ordinance are detailed in Resolution Number 055-2024, adopted on May 14, 2024.

12.18.030 Intent and application.

The provisions of this Chapter shall apply to the construction, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures constructed as a replacement of a dwelling unit destroyed by the Caldor Fire and subject to the definition of Section 110.18.040(C).

110.18.040 Definitions.

For the purposes of this Chapter the following definitions shall apply:

(A) "Limited-density owner-built rural dwelling" means any structure consisting of one or more rooms intended or designed to be occupied as facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this Chapter.

(B) "Owner-built" means construction that meets the following requirements:

(1) 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.

(2) Constructed by a general contractor licensed to practice in the State of California who contracts directly with the person or persons owning the property at the time construction is commenced for occupancy as the principal residence of that person or persons owning the property.

(3) For the purposes of this Chapter the sale, lease, renting or employee occupancy of owner-built structures within three years of final inspection approval shall be presumptive evidence that the structure was erected for the purpose of sale, lease, rent, or employee occupancy. The three-year period of required owner occupancy may be waived in cases of hardship and in cases where the tenants that were displaced will reoccupy their previous dwellings after rebuilding.

(C) "Rural" means, for the purposes of this Chapter only, those legal parcels located within the unincorporated area of the County that meet each of the following criteria:

(1) Located within the area shown on the Title 25 Grizzly Flats Area Boundary Map (Boundary) in the unincorporated area of El Dorado County attached as Exhibit 2E to the agenda report of this same date and incorporated herein by reference ; and

(2) Parcels located within the Boundary that allow for single-family residences as a permitted use and that contained a structure serving as a primary residence prior to August 14, 2021, the start of the Caldor Fire ("Fire"), where the primary residence was destroyed by the Fire, and the applicant under this Chapter was the owner of the destroyed primary residence.

(D) "Appurtenant structures" means non-habitable structures directly related to the primary residential use, including but not limited to, garages, shops, barns, or sheds, but does not include an accessory dwelling unit.

(E) "Substandard building" means a structure in which there exists any condition that endangers the life, health, property, safety or welfare of the public or the occupants thereof.

(F) "Sound structural condition" means all portions of the structure are adequately constructed to resist expected gravity and lateral forces from wind and seismic forces. Building plans must provide sufficient detail to determine how gravity and lateral forces are distributed vertically and horizontally from their points of origin to the load resisting elements. Portions of the structures that are irregular in shape, complex design, or incorporate unusual building materials or practices may require design by a California registered design professional at the discretion of the Building Official.

(G) "Unreasonable hardship" means when the Planning and Building Director determines that compliance with the requirement for a minimum of three years of owner or family occupancy is unfeasible due to circumstances that require the owner to rent or sell the property and supported by sufficient information.

110.18.050 Regulation of use.

(A) Housing permitted pursuant to this Chapter shall be for occupancy as the principal residence of the owner or the owner's family and not for sale, lease, rent, or employee occupancy.

(B) For the purposes of this Chapter, the sale, lease, renting or employee occupancy of owner-built structures within three years of the issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, renting, or employee housing. The three-year period of required owner or owner's family occupancy may be waived in cases of unreasonable hardship and in cases where the tenants that were displaced by the Fire will reoccupy their previous dwelling after rebuilding.

(C) Second dwellings and accessory dwelling units are not included in this Chapter and must comply with Chapter 110.16.

(D) This Chapter is applicable to construction of a replacement dwelling. Later additions to a structure approved under this Chapter shall comply with Chapter 110.16.

110.18.060 Abatement of substandard buildings.

All structures or portions thereof which are determined by the Building Official 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 El Dorado County Code and Health and Safety Code Sections 17980 through 17995.

110.18.070 Recording.

Prior to issuance of a permit for a limited-density owner-built rural dwelling, the owner of the parcel or parcels shall be required to record a notice regarding limited-density owner-built rural dwelling with the County Recorder regarding the 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. The notice shall be

in a form approved by the County of El Dorado and shall include acknowledgments and agreements, as applicable to the specific project.

110.18.080 Permits.

Permits shall be required for the construction of limited-density owner-built rural dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such a permit shall clearly state that it is for a Title 25 limited-density owner-built rural dwelling structure and shall be reviewed by the Building and Planning Department to verify compliance with the provisions of this Chapter. When the Building Official, in conjunction with the Planning Department, determines that the structure(s) will comply with the provisions of this Chapter, and the project complies with all other applicable portions of the El Dorado County Code, the Building Official shall issue a permit to the applicant.

110.18.090 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, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the Building Official.

110.18.100 Application.

To obtain a permit, the applicant shall first file an application with the Building and Planning Department. Permit applications shall contain the following information:

- (A) Name and mailing address of the applicant;
- (B) Address, assessor's parcel number, and location of the proposed structure(s);
- (C) A general description of the structure(s), which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, plumbing fixtures, foundation, structural, and construction details;
- (D) 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;
- (E) A design from a septic designer for the installation of a new onsite wastewater treatment system (OWTS) or an approval for the use of an existing OWTS from the El Dorado County Environmental Management Department, Environmental Health Division.
- (F) A stipulation by the applicant that the building or structure is to be owner-built;
- (G) The signature of the owner, contractor, or authorized agent; and
- (H) The use or occupancy for which the work is intended.
- (I) Any other information as may be required by local statute or regulation.

110.18.110 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 Building Official. This shall include a 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 those required to demonstrate compliance with snow load. For structures of complex design or unusual conditions for which the Building Official cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s), the Building Official may require additional supporting information sufficient to make a judgment as to the integrity of the design. A soils report may be required where there is a reasonable expectation that the foundation system will be subjected to serious vertical or lateral movement due to unstable soil conditions.

110.18.120 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 Building Official is notified in writing of the intended modification.

110.18.130 Expiration of permits.

Permits shall be valid, without renewal, for three years.

110.18.140 Inspections.

All construction or work for which a permit is required pursuant to this chapter shall be subject to inspection by the Building Official. Required inspections shall consist of (1) a foundation inspection prior to placement of concrete, (2) a concrete slab or under-floor inspection, (3) a rough framing, plumbing, electrical, and mechanical inspection prior to covering of walls, and (4) a final inspection. The final inspection shall be conducted after the structure(s) is completed and ready for occupancy to determine compliance with the provisions of this Chapter. Other inspections may be required by the local fire agency, Environmental Planning, or Environmental Health Services.

110.18.150 Additional 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 regular inspection.

110.18.160 Certificate of occupancy.

The final approvals noted on the inspection permit card for a residential project shall act as the certificate of occupancy provided all applicable holds are released.

110.18.170 Partial occupancy.

Use and occupancy of a portion or portions of a limited-density owner-built rural dwelling prior to the completion of the entire structure pursuant to this Chapter shall be allowed; provided, that approved water supply and sanitary facilities are functional as approved at the site and that the work completed does not create any condition 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. Requests for occupancy of portions of the structure prior to the issuance of a certificate of occupancy shall be in writing and shall be approved by the Building Official. The Building Official may require such portions of the structure inspected prior to occupancy.

110.18.180 Fees.

Fees shall be assessed as set forth in the El Dorado County Planning and Building Department adopted fee schedule.

110.18.190 General requirements.

- (A) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.
- (B) Each structure shall be provided with an adequate water supply that meets the requirements of El Dorado County Ordinance Code Chapter 8.39 "Well Construction and Water Supply Standards."
- (C) Each structure that produces wastewater shall meet the standards of El Dorado County Ordinance Code Chapter 110.32 "Onsite Wastewater Treatment Systems."
- (D) Except as amended by the provisions of this Chapter and except as otherwise preempted by statute, each structure shall be constructed in accordance with the applicable requirements contained in Subchapter 2-12, Title 24, California Code of Regulations, and those requirements shall be used in determining compliance with the standards of this Chapter.
- (E) Generators may only be used during construction and shall not be the permanent source of power to the structure. If the structure is approved for partial occupancy, generator use is limited to a period of eighteen months.

110.18.200 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 County to exercise reasonable judgment in determining the

compliance of appropriate structures with the general and specific requirements of this Chapter.

110.18.210 Technical codes to be a basis of approval.

Except as otherwise required by this Chapter, dwellings and appurtenant structures constructed pursuant to this Chapter need not conform with the construction requirements prescribed by the latest adopted editions of the California Building, Plumbing, Mechanical, and Electrical Codes, 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. Such codes shall be a basis for approval.

110.18.220 Construction requirements.

(A) 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.

(B) Foundations. Pier foundations, stone masonry footings and foundation systems, pressure treated lumber, poles, or equivalent foundation materials or designs may be used; provided, that the bearing and lateral stability is sufficient for the purpose intended.

(C) 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 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. Maximum moisture content is 19%.

(D) 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 a solid fuel or solar heating device shall be deemed as complying with the requirements of this section. If a nonrenewable fuel is used in these dwellings, the conditioned space shall be in accordance with the requirements of the latest applicable edition of the California Energy Code.

(E) Room Requirements. There shall be no requirements for room dimensions; provided, that there is adequate light and ventilation and adequate means of ingress and egress.

110.18.230 Mechanical requirements.

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

110.18.240 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 110.18.250. An approved battery-operated smoke detector (or combination detector) with a 10-year battery shall be installed in each room used for sleeping. An approved battery-operated carbon monoxide detector (or combination detector) shall be installed on each level of the structure if there are fuel burning appliances or an attached garage associated with the dwelling.

110.18.250 Electrical installation requirements.

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Electrical Code, Part 3, Title 24, California Code of Regulations. Alternative energy sources shall be encouraged.

110.18.260 Exceptions to electrical 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. It is the intent of this section 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.

110.18.270 Plumbing requirements.

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Plumbing Code, Part 5, Title 24, California Code of Regulations.

110.18.280 Fire Safety requirements.

(A) A Limited Density Owner-Built Rural Dwelling permit application shall be reviewed by Pioneer Fire Protection District for compliance with Public Resources Code sections 4290 and 4291, and El Dorado County Code.

(B) All Limited Density Owner-Built Rural Dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Fire sprinklers shall be installed within all residential structures greater than seven hundred fifty (750) square feet. Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with NFPA 13D or current adopted California Residential Code of Regulations.

110.18.290 Chapter expiration.

This Chapter is a pilot program. This Chapter will expire and be of no further force and effect after 6-21-26 [two years], 2026, unless extended. Notwithstanding the foregoing, applications that have been submitted prior to said expiration date may be processed, including but not limited to permit issuance, completion of construction, final inspection of said construction, and issuance of a certificate of occupancy.

Section 2. Pursuant to California Government Code section 25125, this ordinance shall become effective 30 days from the date of final passage.

Section 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 4. The project to adopt regulations for limited-density owner-built rural dwellings with local amendments is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility the enactment of the ordinance will have a significant effect on the environment, under Public Resources Code Section 21080(b)(3) and CEQA Guidelines Section 15269(a) because the activity is a project to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and under CEQA Guidelines Section 15302 as replacement or reconstruction of existing structures destroyed by the Caldor Fire.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 21 day of May, 2024, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of
Supervisors

Ayes: Thomas, Hidahl, Turnboo, Parlin, Laine

Noes: None

Absent: None

By

Kim Dawson
Deputy Clerk

Wendy Thomas
Chair, Board of Supervisors

APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL

By

Jefferson B. Livingston
Title: Deputy County Counsel