



## Legislation Details (With Text)

**File #:** 24-0003      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/11/2023      **In control:** Board of Supervisors

**On agenda:** 1/9/2024      **Final action:** 1/9/2024

**Title:** Planning and Building Department recommending the Board:  
 1) Receive a presentation and provide feedback on the proposed Limited Density Owner-Built Rural Dwellings (Title 25) program; and  
 2) Direct staff to return with a final program and prepare a draft ordinance adopting regulations for dwellings consistent with Limited Density Owner-Built Rural Dwellings (Title 25) of the California Code of Regulations, Housing and Community Development.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Staff Memo, 2. B - Title 25, 3. C - Grizzly Flats Rural Center Boundaries, 4. D - Butte Cty Title 25 Checklist, 5. E - Butte Cty Title 24 vs Title 25, 6. F - Title 25 – LDOBRD Presentation 1.9.24

Date	Ver.	Action By	Action	Result
1/9/2024	1	Board of Supervisors	Approved	Pass

Planning and Building Department recommending the Board:  
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**FUNDING:** N/A

### DISCUSSION / BACKGROUND

On October 17, 2023 (File No. 23-1894, Item No. 13), Board directed staff to review Butte County's Limited Density Owner-Built Rural Dwellings (Title 25) and Butte County's Ordinance #4146 to determine how it can be adopted by El Dorado County for the Grizzly Flats area, and, if appropriate, prepare a draft Ordinance or Ordinance amendment under Board Policy A-3.

Title 25 of the California Code of Regulations provides an alternative for construction under Title 24, the statewide standard building code. Title 25 provides minimum requirements for structures that protect "life, limb, health, property, safety and welfare of the general public and the owners and occupants" of the structures, but is intended to provide flexibility in the application of building codes to accommodate local conditions, such as topography or geography. Jurisdictions, such as Butte County and Santa Cruz County, have used Title 25 for local conditions that includes disaster recovery areas.

Key definitions that apply to Title 25 are "Limited Density, Rural Dwelling", "Owner Built", and "Rural."

"Limited Density, Rural Dwelling" - 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.

"Owner Built" - the structure is constructed by an 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 is not intended for the sale, lease, rent or employee occupancy.

"Rural" - unincorporated areas of counties designated and zoned by the appropriate local agency. 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 local 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.

The code states that the local governing body may adopt Title 25 for a designated area that meets the definitions and requirements of the codes section, but also provides flexibility to local jurisdictions to be more restrictive when deemed necessary or appropriate.

On November 13, 2023, County staff from various departments and divisions as well as representatives from other agencies with jurisdiction in Grizzly Flats convened to discuss the feasibility of applying a Limited Density Owner-Built Rural Dwellings (Title 25) program in Grizzly Flats and how such a program should be structured to best serve the needs of Grizzly Flats residents and the general public.

At the meeting the group discussed the purpose and goals of considering such a program, reviewed the requirements of Title 25 and the Butte County program, the application of Title 25 including and any different or additional requirements desired. Overall, the group agreed that, in the absence of individual assistance from FEMA, the program is worth considering. Based on the review of Title 25 and Butte County's experience, it is anticipated that the program will be beneficial for a small group, but a group that may not have other means to rebuild. The group also anticipates that the program will be best suited for smaller homes. Thought there is no specific square footage restriction, the program likely works best for smaller homes (up to 1,200-1,600 sq. ft.). The group also strongly recommends that this program only be made available to those residents that were property owners prior to the Caldor Fire. It should not be available for those who purchased property after the fire. This restriction mirrors that of the fee waiver program established for Caldor and Mosquito Fire victims.

The attached Staff Memo (Attachment A) details requirements of Title 25 as well as the group's recommendations where there is flexibility. The report also highlights those areas where additional information was deemed necessary or where feedback from the Board would be helpful.

Specific areas for feedback include:

- Fire Sprinklers
- Use of milled lumber/7A compliance
- Use of generators as a source of power

Additional information is still being gathered to better inform the group prior to final recommendations on the following:

- Actual cost of fire sprinklers including design, installation, connection to water and any line upgrades that may be necessary. Of note, Grizzly Flats CSD and Pioneer Fire have confirmed that the majority of Grizzly Flats CSD customers can be adequately served for fire suppression. There are some limited areas, primarily higher elevations, that may have water pressure issues, but it is a very small percentage. These sites have the option of water tanks for fire suppression.
- Possible to provide pre-approved Accessory Dwelling Unit (ADU) plans for Title 25 at no charge.
- Additional information regarding 7A compliant lumber.
- Additional data regarding post-Caldor fire permits to date.

The group also recommended outreach in Grizzly Flats to the community members to obtain their feedback and understand any concerns they may have. That outreach is tentatively scheduled for January.

With Board direction on the items noted above and this draft program, staff will return within 60 days with a draft ordinance and program information including application and handouts requesting approval.

#### **ALTERNATIVES**

N/A

#### **PRIOR BOARD ACTION**

See Discussion/Background above.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

#### **CAO RECOMMENDATION**

Provide direction as recommended.

#### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. Funding for the associated staff time has been included in the current fiscal year budget.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

#### **STRATEGIC PLAN COMPONENT**

Good Governance - Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

#### **CONTACT**

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