



## Legislation Text

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**File #:** 24-0194, **Version:** 3

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Planning and Building Department recommending the Board approve the **Final Passage** (Second Reading) of Ordinance **5199** (Attachment C) adding County Code section 110.18 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 Flats 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. (Cont. 5/14/2024, Item 23)

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

On May 14, 2024, the Board heard the Introduction (First Reading) of Ordinance **5199** (Attachment C) adding County Code section 110.18 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 Flats 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. The Board continued the matter to May 21, 2024 for Final Passage (Second Reading).

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) program 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.

On January 9, 2024 (File No. 24-0003, Item No. 45), Board received a presentation on recommendations for implementation of Limited Density Owner-Built Rural Dwellings (Title 25) for the Grizzly Flats area, with the Board providing feedback to staff.

Supervisor Turnboo, County staff, and staff from the Pioneer Fire Protection District met with interested residents of Grizzly Flats on January 8, 2024 at the Pioneer Park Community Room to present the proposed recommendations for implementation of Limited Density Owner-Built Rural Dwellings (Title 25) for the Grizzly Flats area. Feedback was very positive. Prospective applicants were particularly interested in the use of milled lumber and allowance for smaller sized dwellings that would not be subject to fire sprinkler requirements. The resulting discussions recommended that sprinklers would not be required for dwellings 750 square feet or less. Also discussed at the community meeting was the applicability of the program. Staff noted that this program would have limited interest from all those in Grizzly Flats that lost their home, however, it is one additional tool that is available to residents and was focused primarily on assisting those that did not have insurance or were under-insured and do not have options to live elsewhere or want to remain in Grizzly Flats. This feedback was shared at the January 9, 2024 staff meeting and incorporated into the discussion and recommendations.

Specific feedback from the Board at the January 9, 2024 meeting and responses are as follows:

1) Title 25 program to apply only to primary dwellings. This is clarified in Section 110.18.050 (a) stating, "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," and (c) Second dwellings and accessory dwelling units are not included in this Chapter and must comply with Chapter 110.16.

2) Sprinklers will not be required for dwellings 750 square feet or less. This is clarified in Section 110.18.280 stating, "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."

3) Milled lumber acceptable so long as approved by the Building Inspector. This is clarified in Section 110.18.220 (c) stating, "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." In addition, a checklist handout for applicants will include the following information, " Owner produced materials or milled lumber is allowed with a review and approval by the Building Official with a maximum moisture content of 19%."

4) Generators permitted during partial occupancy no longer than 18 months. This is clarified in Section 110.18.190 (c) stating, "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."

5) Staff to work with the Mosquito community to determine if it would be beneficial to apply Title 25 to this community. There were a total of twelve (12) primary dwellings destroyed in the Mosquito Fire. Of those twelve, two have submitted plans to rebuild. Of the remaining ten, three were determined to be barns used as dwellings (unpermitted) and one was determined to be a small, old, uninhabited structure. Staff is reaching out to the remaining six property owners to determine interest in using the Title 25 program to this area. If there is interest, staff can return to the Board and include the area affected by the Mosquito Fire.

On April 9, staff returned to the Board with final recommendations, however it was noted that the proposed boundary using the Grizzly Flats Rural Region boundary did not encompass all affected parcels in the Grizzly Flats area. In particular, there are several parcels just north of the Grizzly Flats Rural Region boundary that lost homes in the Caldor Fire. Staff requested returning to the Board with an expanded boundary to include additional affected parcels in the Grizzly Flats area. The expanded area as shown on Attachment E reflects this expansion. It should be noted that the expanded area is limited to the area served by the Pioneer Fire District. This is necessary as the Pioneer Fire District has agreed to the requirements and allowances of this program including the ability to build up to 750 square feet without fire sprinklers.

As previously noted, staff is exploring application of the program for the Mosquito Fire area and also

has received interest from a Caldor Fire victim in the Phillips Park area near Sierra at Tahoe. Staff will need to meet with the respective Fire Districts and any other applicable service providers to determine specific requirements for those areas, including consideration of waiving fire sprinkler requirements.

On April 19, Supervisor Turnboo and staff met with several Grizzly Flats residents interested in this program and provided draft applications and program requirements and answered questions. The residents were supportive and did not have any suggested changes.

### **ALTERNATIVES**

The Board could choose not to approve the Ordinance, Resolution and program to implement the Limited Density Owner-Built Rural Dwellings (Title 25) for the Grizzly Flats area. All structures would need to comply with the standard Building Codes. The Board could choose to modify sections of the program.

### **PRIOR BOARD ACTION**

See Discussion/Background above.

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

County Counsel  
CAO's Office  
Environmental Management  
Grizzly Flats CSD  
Pioneer Fire District

### **CAO RECOMMENDATION / COMMENTS**

Approve 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. Ordinance No. 5150 previously approved a waiver of County permit fees associated with building permits and funding for such waivers.

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

- 1) Clerk of the Board to publish a Summary Ordinance in the appropriate local newspaper(s) following Board approval of the Final Passage (Second Reading) of the Ordinance.
- 2) Clerk of the Board to obtain signatures on the Ordinance and transmit a copy of the Ordinance to Planning and Building Department, Attn: Karen Garner.
- 3) Clerk of the Board to obtain signature of Chair on the attached Resolution, and provide a certified copy to Planning and Building Department, Attn: Karen Garner.

### **STRATEGIC PLAN COMPONENT**

Safe and Healthy Communities - Develop a continuum of support and housing opportunities for unhoused individuals.

### **CONTACT**

Karen L. Garner, Director

Planning and Building Department