

ORDINANCE NO. 1735

THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR

AN ORDINANCE ADDING SUBSECTION 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 County 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 March 25, 2014, 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 Community Development Agency Director or designee 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 Community Development Agency Director or 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) 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.
- (c) 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.

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

- (d) Rural or Rural Area: Lands of Amador County which are beyond boundaries of an incorporated city which are zoned for residential construction by right or with a conditional use permit. A rural parcel is defined as; 5 acres or larger for lands west of the Mount Diablo Meridian line Range 13/14; All lands located east of the Mount Diablo Meridian line Range 13/14 that are beyond the limits of a planned development.
- (e) 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 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.
- (f) 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.

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 Environmental Health Department for 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 Community Development Agency Director or designee 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 Community Development Agency Director or 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 Community Development Agency Director or designee may waive the submission of plans required under the provisions of Section 15.10.080 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 Community Development Agency Director or designee has approved the modification in writing.

15.10.110. PERMIT ISSUANCE.

When the Community Development Agency Director or 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.

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. Projects will be evaluated against the 1985 code cycle.
- (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 Community Development Agency Director or designee determines that electrical demands are reasonably expected to exceed the wiring capacity of the area that is to be wired. In such instances, the Community Development Agency Director or designee 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.
- (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) Domestic Water Supply. There shall be a water supply provided by a source approved by the County Environmental Health Department.
- (i) Fire Safety.
Provide for a defensible space by complying with the standards for emergency access, signage, emergency water, and fuel modification found in Amador County Chapter 15.30 Fire and Life Safety Regulations.
- (j) Exterior Wildfire exposure
Exterior wall coverings, exterior wall vents, exterior door assemblies, and roofing systems shall meet the requirements of Chapter 7A of the 2009 California Building Code supplement.

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 Department 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.

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 according to the 1985 California Building Code Cycle.

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. 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 Building Department 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 Community Development Agency Director or designee 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.

15.10.190. RECORDS.

It shall be the duty of the Building Department 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 Building Department shall transmit to the County Assessor copies of all applications for building permits and copies of all completion report pertaining to building permits.

15.10.200. 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.

15.10.210. 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.

15.10.220. 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 Community Development Agency Director or designee 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.
- (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

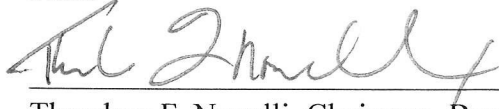
structure was undertaken for purposes of sale, lease or rent. Sale, lease or rent of a Limited Density Rural Dwelling may be allowed by the Community Development Agency Director or designee upon demonstration of hardship.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Amador, State of California, this 25th day of March, 2014, by the following vote:

AYES: Theodore F. Novelli, Brian Oneto, John Plasse, Louis D. Boitano and Richard M. Forster

NOES: None

ABSENT: None



Theodore F. Novelli, Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy

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 _____, 20__ 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 according to the 1985 California Building Code Cycle.

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 three years 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: _____
Theodore F. Novelli
Chairman, Board of Supervisors

BY: _____

APPROVED AS TO FORM:
GREG GILLOTT,
AMADOR COUNTY COUNSEL

ATTEST:
JENNIFER BURNS, CLERK OF THE
BOARD OF SUPERVISORS

BY: _____

BY: _____
Deputy

[PARTY SIGNATURES MUST BE ACKNOWLEDGED]