

ORDINANCE# 364

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MODOC ADDING CHAPTER 15.06 REGULATIONS FOR LIMITED DENSITY RURAL DWELLINGS TO TITLE 15 - BUILDING REGULATIONS

The Board of Supervisors of the County of Modoc ordains as follows:

SECTION I: Title 15. Building Regulations be amended to add Chapter 15.06 Regulations for Limited Density Rural Dwellings.

SECTION II: Chapter 15.06 of the Modoc County Code is added in its entirety to read as follows:

Chapter 15.06 Regulations for Limited Density Rural Dwellings

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

15.06.010 Authority.

This Chapter is adopted in accordance with the provisions of Health and Safety Code Section 17958.2.

15.06.020 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.

15.06.030 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. 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.

15.06.040 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.
- B. For the purposes of this article, the sale, lease, renting, or employee occupancy of owner-built structures within one (1) 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.
- 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.

15.06.050 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.

15.06.060 Recorded Notice.

Each time a permit is issued pursuant to this Chapter, the Building Department shall record with the County Recorder a Notarized notice that a permit has been issued pursuant to the provisions of this Chapter.

The notice shall state:

I _____, declare that all required inspections prior to final will take place. I hereby declare that all work conducted at site address:

_____ will be in compliance with the provisions of Modoc County Code Title 15 Chapter 15- 4 (Regulations for Limited Density Rural Dwellings) which allows for deviations from the requirements of California Building Standards Code. I understand that the construction plans and improvements will not be reviewed or inspected to address structural resistance to the lateral forces produced by wind and earthquakes. I further understand that the construction plans and improvements will not be reviewed or inspected to address structural resistance to snow load or

frost heave on foundations.

15.06.070 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.

15.06.080 Permits.

Permits shall be required for the construction of rural dwellings and appurtenant structures.

15.06.090 Permit Issuance and Fees.

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.

15.06.100 Permit Application Submittal.

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 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 site plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and waterways;
- 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.) 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.

15.06.110 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).

15.06.120 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.

15.06.130 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 modification.

15.06.140 Permit Validity.

Permits shall be valid for a period of three (3) years. The building official is authorized to grant extensions of time pursuant to the same standards as for extensions of a building permit pursuant to Chapter 15.01 - Construction Codes, Administration.

15.06.150 Inspections.

All construction or work for which a permit is required shall be subject to inspection by the designated enforcement agency.

15.06.160 Issuance of Inspections.

A minimum of three (3) inspections shall be required for all new dwellings at the following stages of construction:

- 1.) Foundation (prior to placing concrete).
- 2.) Rough in or 4-Way (prior to closing walls, in order to inspect electrical, mechanical, plumbing and framing).
- 3.) Final inspection (after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this Chapter).

15.06.170 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 soil conditions constitute a potential structural problem, the 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.

15.06.180 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.

15.06.190 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.

15.06.200 Certificate of Occupancy.

After the structure(s) is completed for occupancy and all 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.

15.06.210 Temporary Occupancy.

The use and occupancy of a portion or portions of a dwelling prior to the completion of the entire structure shall be allowed except for farm labor housing, provided that approved sanitation facilities are available at the site and that the completed work does not create a condition that endangers the life or health of the occupants or public. The occupants of any uncompleted structure shall assume responsibility for the occupancy of the structure or any portion thereof.

15.06.220 Fees

Any person submitting an application for a permit to construct under this Chapter shall pay appropriate fees as set forth in Section 20 of Title 25, Part 1, Chapter 1, Subchapter 2, California Administrative Code. Inspection fees shall be established by resolution of the Board of Supervisors to reflect the actual inspection and administrative costs resulting from the administration of this Chapter.

15.06.230 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 includes kitchen and sanitation facilities.

15.06.240 Greywater.

"Greywater" shall include all domestic wastewater obtained from the drainage of showers, bathtubs, laboratories, and laundry facilities, exclusive of water utilized for kitchen sinks and for the transport and disposal of body eliminations.

15.06.250 Limited Density Rural Dwelling.

A "limited density rural dwelling" is any structure consisting of one (1) or more habitable rooms, and not exceeding two and one-half (2½) stories, intended or designed to be occupied by one (1) family with facilities for living and sleeping, with use restricted to rural areas that fulfills the requirements of this chapter.

15.06.260 Rural.

For the purposes of this chapter only, "rural" shall mean those unincorporated areas of the County designated and zoned for one (1) acre minimums or larger acre minimums. In addition, for a legal parcel to qualify as "rural," the parcel shall be no less than one (1) acre in size. An exception may be granted by the building official for the residential development of parcels located in the unincorporated areas of the county that are zoned for less than one acre in size and/or are less than one acre in size with the following criteria:

- 1.) The parcel is served by public water and sewer; or written approval from the Department of Environmental Health that a lesser size is adequate to accommodate a proposed water system and

sewage disposal system.

2.) Residential construction shall comply with the provisions of the 2007 California Building Code.

15.06.270 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.

15.06.280 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, the California Building Code, Part 2, Title 24, California Code of Regulations, shall be the determining criteria for compliance with the standards of this Chapter and the defining of a substandard building.

15.06.290 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.

15.06.300 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.

15.06.310 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 editions of the codes that make up the California Building Standards Code, Title 24, California Code of Regulations, 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.

Notwithstanding the previous paragraph and any section of this Chapter to the contrary, if application is made for a permit pursuant to this Chapter for a building constructed prior to the application date without any building permits, the building may be reviewed pursuant to the building codes (as the basis for approval) applicable at the time of the construction of the building, if the applicant is able to substantiate the date of construction to the satisfaction of the Department of Planning and Building Services.

15.06.320 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. It is recommended that the roof and wall framing for habitable structures is designed to withstand the applicable snow load in the area. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by section 17920.3 of the Health and Safety Code.

15.06.330 Foundations.

Foundations for habitable structures shall be in compliance with Chapter 18 of the 2007 California Building Code. It is recommended that foundations for habitable structures are designed for frost heave. Foundations for non-habitable appurtenant structures may be: 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.

15.06.340 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.

15.06.350 Fire Safety Requirements.

All new dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in Chapter 7A of the California Building Code and/or Section 337 in the California Residential Code or with such other successor chapters of the latest adopted version of the California Building Code or California Residential Code. All new dwellings shall comply with the defensible space requirements of California Public Resources Code sec. 4290.

For purposes of this chapter, residential fire sprinklers shall not be required in limited density rural dwellings.

15.06.360 Energy Efficiency Requirements.

For the purposes of this chapter, compliance with the State of California Title 24 Building Energy Efficiency Standards is not required.

15.06.370 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 current applicable code of the California Building Standards Code, Title 24, California Code of Regulations. Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability.

15.06.380 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.

15.06.390 Electrical Requirements.

No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be

connected to a commercial source of electrical power. Generators or photovoltaic systems are acceptable alternatives.

15.06.400 Electrical 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 for single-family dwellings.

Exceptions to Electrical Installation Requirements. In structures where electrical usage is confined to one (1) 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.

15.06.410 Photovoltaic System Requirements.

The installation of photovoltaic systems shall be in accordance with the applicable requirements contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations. For the purposes of this chapter, photovoltaic systems are not mandatory for new residential construction.

15.06.420 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.

15.06.430 Sanitation Requirements.

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the Department of Environmental Health, shall be provided to the dwelling sites.

15.06.440 Plumbing Specifications.

Where conventional plumbing, in all or in part, is installed within the structure, it shall be installed in accordance with the California Plumbing Code, Part 5, Title 24, California Code of Regulations. Alternative materials and methods shall be permitted provided that the design complies with the intent of the Code and that such alternatives shall be performed to protect health and safety for the intended purpose.

15.06.450 Sanitation Facilities.

Greywater systems shall be designed according to water availability, use, and discharge and must be approved by the Department of Environmental Health. 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 Modoc County Code. A bathtub or shower and a lavatory shall be provided to the dwelling site.

15.06.460 Water Supply.

Potable water shall be available to the dwelling site either by a permitted well or a developed spring approved by the Department of Environmental Health. Water need not be pressurized if gravity-fed from an approved developed spring.

15.06.470 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.

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

Pursuant to Health and Safety Code Section 17958.2, the Modoc County 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 Modoc 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.) Modoc County is a rural County located between approximately 41.469921 degrees north latitude and 120.776845 degrees west longitude. The county can be 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. The county's climate is such that there is a shortened building season.
- 3.) The County's high desert and mountainous terrain and lack of developed roads, and are incorporated herein by this reference. Modoc County continues to suffer from a housing shortage and the ability to develop housing under the limited density rural dwellings chapter provides the County with flexibility in providing housing for its citizens.
- 4.) 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 Modoc County as long as standards for electrical, mechanical, and sanitation facilities are maintained.
- 5.) Modoc 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.
- 6.) State law mandates the County of Modoc 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 Modoc 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.

- 7.) The California Building Codes are complex and may be beyond the understanding of many owner-builders and homeowners. 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 create such isolation that it is difficult to conduct the necessary inspections to verify or refute this charge. Because the California 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.
- 8.) 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.
- 9.) Based upon the above stated local conditions, the Modoc 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 Modoc.

SECTION III: 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 the ordinance. The Modoc County 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 one or more section, subsection, sentence, clause, or phrase be declared unconstitutional or invalid.

SECTION IV: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the MODOC Record, a newspaper of general circulation published in the County of MODOC, State of California.

INTRODUCED at a special meeting of the Board of Supervisors on the 18th day of June 2024.

PASSED AND ADOPTED by the Board of Supervisors of the County of Modoc, State of California, on the 9th day of July, 2024 by the following vote:

Motion Approved:

RESULT: APPROVED [UNANIMOUS]

MOVER: Geri Byrne, Supervisor District V

SECONDER: Elizabeth Cavasso, Supervisor District IV

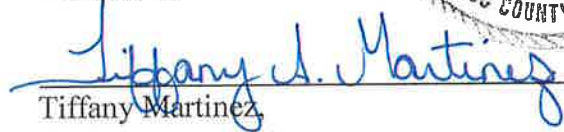
AYES: Ned Coe, Supervisor District I, Shane Starr, Supervisor District II, Kathie Rhoads, Supervisor District III, Elizabeth Cavasso, Supervisor District IV, Geri Byrne, Supervisor District V

Dated: July 9, 2024

COUNTY OF MODOC



ATTEST:


Tiffany Martinez
Clerk of the Board


Shane Starr, Chair
Modoc County Board of Supervisors

APPROVED AS TO FORM:


Margaret Long
County Counsel