

CHAPTER 17. LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS

Section 14.17.010 Authority

This Chapter is adopted in accordance with the provisions of Health and Safety Code Sections 17958, 17958.2, 17958.5 and 17958.7; and, Article 8, Subchapter 1, Chapter 1, Division I, of Title 25, California Code of Regulations.

Section 14.17.020 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 owner-built rural dwellings and accessory dwelling units. It is also the expressed purpose of this Chapter to conform the regulations regarding the construction and use of limited density, rural owner-built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this Chapter if, for any reason, held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this Chapter.

Section 14.17.030 Intent and Application

The provisions of this Chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of new or existing limited density owner-built rural dwellings and structures appurtenant to said dwellings. It is the intent of this Chapter that the requirements contained herein shall apply to primary dwellings or second dwelling units located in rural areas to be occupied as the principal residence of the owner or the owner's family for a minimum period of two years.

Section 14.17.040 Definitions

For purposes of this Chapter the following definitions shall apply:

- A. **OWNER-BUILT:** 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. It also means constructed by a licensed contractor for occupancy by the person or persons owning the property at the time construction is commenced.
- B. **RURAL:** For purposes of qualifying under this Chapter as suitable locations for rural dwellings permitted hereunder only, "rural" shall mean legal parcels in unincorporated areas of the county that meet each of the following criteria:
 - 1. A General Plan designation of "RUR" (Rural); or "FOR" (Forest);
 - 2. A General Plan designation as a Rural Region, not a Community Region;
 - 3. Zoned as "RA" (Residential Agricultural); "AG" (General Agriculture); "AE" (Exclusive Agricultural); "FR" (Forest); or "TPZ" (Timberland Production Zone);
 - 4. Of sufficient size and configuration so as to fulfill the sewage disposal system setbacks to all property lines and all other setbacks established by law;

5. The parcel is not subject to covenants, codes and restrictions (CC&Rs).
- C. **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 that fulfill the requirements of this Chapter. Shall include primary dwelling and accessory dwelling units.
- D. **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.
- E. **SUBSTANDARD BUILDING:** 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. Health and Safety Code Section 17920.3 shall be the determining criteria for compliance with the standards of this Chapter and defining a substandard building.

Section 14.17.050 Responsibility for Enforcement

The building official or designee is hereby authorized and directed to enforce all the provisions of this Chapter.

Section 14.17.060 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. Upon a change in occupancy within two years to anyone other than immediate family members, any permit issued pursuant to this Chapter shall be invalidated and the structure(s) shall be brought into full compliance with the requirements of the California Building Code at the time construction commenced.
- C. Not more than one rural dwelling shall be allowed per parcel, however, once a rural dwelling is constructed on a parcel pursuant to this Chapter it may be expanded under this Chapter.

Section 14.17.070 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, demolition 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 Owner-Built Rural Dwelling Board of Appeals may provide for deferral of the effective date of orders of abatement if it is determined that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. Any deferral of the effective date of an order of abatement under this section shall terminate upon any sale or transfer of the dwelling by the owner-occupant.

Section 14.17.080 Petitions for Interpretation

Any person or local agency may petition the Department for an interpretation of any provision of this Chapter. Petitions shall be submitted in writing, after which the Department may consider such requests, and the Department may make a determination as to the meaning or intent of any

provision of this Chapter with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Department.

Section 14.17.090 Deed Disclosure

A deed disclosure describing the nature of the dwelling shall be recorded. The disclosure shall state that the structure(s) constructed on this property has/have been permitted under the special regulations codified in Chapter 17, Title 14 of the Nevada County Land Use and Development Code applicable to limited density owner-built rural dwellings adopted under the authorization of Health and Safety Code Section 17958.2; that the structure(s) is/are not in full compliance with the provisions of the technical codes; and that occupancy is limited to the owner and owner's family. When only an after-the-fact post-construction visual inspection was relied upon for compliance approval pursuant to this Chapter, the disclosure language shall be expanded to further alert potential buyers by also stating that inspection for the permit was limited to a post-construction visual inspection.

Section 14.17.100 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.

Section 14.17.110 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 permit shall be reviewed by the Building Department to verify compliance with the provisions of this Chapter. When the building official or designee determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this Chapter, the building official or designee may issue a permit therefore to the applicant, as provided for in this Chapter.

Section 14.17.120 Limitations

Building permits pursuant to the provisions of this Chapter may be issued for new or existing dwellings and for additions to or structures appurtenant to dwellings permitted pursuant to this Chapter to applicants who are the owners of the dwellings and/or property at the time of application for and issuance of the permit.

Section 14.17.130 Application

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

- (1) name and mailing address of the applicant;
- (2) address and location of the proposed structure(s);
- (3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, construction details and fire safety details;
- (4) 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;
- (5) approval for the installation of a private sewage disposal system from the Environmental Health Department;
- (6) a stipulation by the applicant that the building or structure was or will be owner-built and is to be owner occupied;
- (7) the signature of the owner or authorized agent;
- (8) the use or occupancy for which the work is intended;

(9) and any other data or information as may be required by statute or regulation.

Section 14.17.140 Plans and Construction Documents

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of sound structural conditions by the building official or designee. This may include a simplified diagram of the floor plan and elevations 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 building official or designee cannot make a reasonable judgment of conformance to this Chapter based upon the general description and simplified plan(s).

The building official or designee may waive the requirement for architectural drawings and/or structural analyses pursuant to this section where the applicant and owner attest to the conformance of the structure with this Chapter and execute and deliver and/or record agreements and restrictions, running with the land and binding upon them and their successors in interest, as may be reasonably required to agree to indemnify and hold the County and its employees harmless from any liability or damages resulting from a failure to require such drawings and analyses and to assure disclosure to all subsequent purchasers of such agreement and the County's inability to verify compliance of the structure with this Chapter due to the absence of requested architectural drawings and structural analyses.

Section 14.17.150 Waiver of Plans

The building official or designee may waive the submission of any plans if it is found that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this Chapter.

Section 14.17.160 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 or designee has approved the modification.

Section 14.17.170 Permit Expiration

Permits shall be valid without renewal for 3 years from the date of issuance. One-year extensions are available.

Section 14.17.180 Inspections

All construction or work for which a permit is required will be subject to inspections by the building official or designee. Typical inspections for a dwelling shall be foundation/setbacks, roof sheathing and shear, all rough and a final inspection.

Section 14.17.190 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 soils conditions constitute a potential structural problem, 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.

Section 14.17.200 Inspection Waivers

Inspections may be waived by the building official or designee 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.

Section 14.17.210 Inspection Requests and Notice

It shall be the duty of the applicant to notify the Building Department 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 building official or designee to notify or inform the applicant of the day during which the inspection is to be conducted

Section 14.17.220 Title 25 Certificate of Occupancy

After the structure(s) is completed for occupancy and any inspections that have been required by the building official or designee have been conducted, and work approved, the building official or designee shall issue a Title 25 Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) that comply with the provisions of this Chapter.

Section 14.17.230 Temporary Occupancy

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure may be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public or occupants and that the dwelling meets at least minimal health and safety standards. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

Section 14.17.240 Fees

Fees assessed for a permit are based on a customary number of site visits, time of performance and completion. If costs of providing service to the project exceed the fees collected at permit issuance, additional fees shall be assessed at the rate established by resolution of the Board of Supervisors for the service at the time the service is provided. The additional assessed fee(s) shall be paid prior to permit final.

Fees shall be as set forth in the fee schedule adopted by resolution by the Nevada County Board of Supervisors to reflect the actual plan review, inspection and administrative costs resulting from the application of this Chapter.

Section 14.17.250 General Requirements

- A. Each structure shall be constructed in accordance with requirements contained in Subchapter 2-12, Title 24, California Code of Regulations.
- B. Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.
- C. The construction of a limited density owner-built rural dwelling above 70 pounds per square foot ground snow load shall require an engineered design.
- D. Limited density owner-built rural dwellings shall be limited to one story unless engineered plans are submitted and approved.

- E. The Wildland Urban Interface requirements in section R337 of the California Residential code shall apply to construction of limited density owner-built rural dwellings.
- F. The residential fire sprinkler requirements in section R313 of the California Residential code shall apply to construction of limited density owner-built rural dwellings over 1200 square feet.

Section 14.17.260 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 building official or designee to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this Chapter.

Section 14.17.270 Technical Codes to Be a Basis of Approval

Except as otherwise provided by this Chapter and the code amendments promulgated in conjunction with this Chapter, dwellings and appurtenant structures constructed pursuant to this Chapter shall conform with the construction requirements prescribed by the latest applicable editions of the California Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes as adopted and amended in the Nevada County Code.

Section 14.17.280 Energy Standards

A limited density owner-built rural dwelling that utilizes non-renewable sources of energy for water heating shall comply with the State energy efficiency standards. Dwellings heating water by tankless water heaters or insulated storage-type water heaters are exempt from this requirement. A limited density owner-built rural dwelling that utilizes non-renewable sources of energy for space heating shall comply with the State energy efficiency insulation values (ceiling: R-38, walls: R-13, floor: R-19).

Section 14.17.290 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 contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations as adopted and amended in the Nevada County Code. No heating capacity or temperature controls are required.

Section 14.17.300 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 Sec. 17.01.310. Off-grid power sources shall meet the requirements of the Nevada County off-grid solar policy.

Section 14.17.310 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 as adopted and amended in the Nevada County Code.

EXCEPTIONS TO 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 unless the building official or designee determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In such instances, the building official or designee may require further electrification of the structure.

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. The building official or designee shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this Section.

Section 14.17.320 Plumbing Requirements

Plumbing equipment and installation shall be in accordance with requirements contained in the California Plumbing Code, Part 5, Title 24 as adopted and amended in the Nevada County Code applicable to the construction of limited density owner-built rural dwellings.

A septic system and well are required. The water closet may be within a detached building. The domestic water supply does not need to be pressurized.

Section 14.17.330 Fire Safety Regulations

A limited density owner-built rural dwelling shall comply with the Fire Safety Regulations of Chapter XVI of Title 3 of the Nevada County Code.

Section 14.17.340 Sunset

This ordinance shall cease to have any force or effect three (3) years after the date it becomes effective unless an amendment is adopted to extend or expand the ordinance.