

ORDINANCE NO. 2023- 1150

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA
ADDING PLUMAS COUNTY CODE TITLE 8 BUILDING REGULATIONS,
CHAPTER 20 LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS
IN THE UNINCORPORATED AREAS OF PLUMAS COUNTY

The Board of Supervisors of the County of Plumas, State of California, **ORDAINS** as follows:

SECTION 1. Ordinance Amendment

Chapter 20 Limited Density Owner-Built Rural Dwellings in the Unincorporated Areas of Plumas County, Sec. 8-20.01 – Purpose, 8-20.02 – Intent and Application, Sec. 8-20.03 – Definitions, Sec. 8-20.04 – Regulations of Use, Sec. 8-20.05 – Construction Requirements, Sec. 8-20.06 – Fees, Sec. 8-20.07 – Violation Constituting a Public Nuisance, and Sec. 8-20.08 – CEQA of Title 8 Building Regulations of the Plumas County Code is added and adopted as set forth in Exhibit “A.”

SECTION 2. CEQA

This ordinance adoption is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(1) and/or Section 21080(b)(3) because projects resulting from this ordinance are ministerial and/or undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

SECTION 3. Effective Date

This ordinance shall become effective 30 days from the date of final passage.

SECTION 4. Codification

This ordinance shall be codified.

SECTION 5. Publication

A summary of this ordinance shall be posted in a prominent location, pursuant to Section 25124(a) of the Government Code of the State of California, before the expiration of fifteen (15) days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, at the board of supervisors' chambers and shall remain posted thereafter for at least one (1) week.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 12th day of September, 2023, and **PASSED AND ADOPTED** by the Board of Supervisors of the County of Plumas, State of California, on the 19th day of September, 2023 by the following vote:

AYES:	Supervisors: Ceresola, McGowan, Goss, Engel, and Hagwood
NOES:	Supervisors:
ABSENT:	Supervisors:
ABSTAIN:	Supervisors:

By: 
Greg Hagwood, Chair
Plumas County Board of Supervisors

ATTEST:

By: 
D Clerk of the Board of Supervisors

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Sec. 8-20.01 - Purpose

The purpose of this chapter is 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 unincorporated Plumas 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 low-density owner-built rural dwellings and appurtenant structures constructed pursuant to this chapter. The modifications contained in this chapter are intended to permit, under specified circumstances, the use of the ingenuity and preferences of individual owner-builders of dwellings intended for occupancy by the builder in designated areas of Plumas County. It is further intended to allow the use of substitute materials, procedures, and alternatives to the specifications prescribed by the California Building Code to the extent that a reasonable degree of health and safety is provided by these modifications. It is also the purpose of this chapter to protect the environment, improve economic viability of sustainable construction, aid affordability of construction improvements, promote lawful construction activity, and enhance owner equity in improvement of property. In applying these modifications, the Building Services Director or designee shall have the authority to exercise reasonable judgment in determining compliance with all requirements of this chapter.

Sec. 8-20.02 - Intent and Application

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of a limited density owner-built rural dwelling and appurtenant structures in designated unincorporated areas of Plumas County.

It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied limited density rural dwellings, including additional quarters and guest houses that are solely occupied as the residence of the owner or the owner's family.

If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional, or contrary to the California statutes, such ruling shall not affect the validity of the remaining portions of this chapter.

Sec. 8-20.03 - Definitions

- a. “Limited Density Rural Dwelling” is any permanent (primary) or seasonal (secondary) dwelling structure consisting of one or more habitable rooms intended or designed to be occupied by one family with permanent provisions for living, sleeping, cooking, eating, and sanitation. Pre-engineered, manufactured, and assembly type structures or a hybrid of these will be allowed, if the structures meet the requirements set forth in this chapter. For the purpose of this chapter such dwellings shall not exceed thirty-five (35') feet in height, unless otherwise modified by this chapter.
- b. “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, rent, or employee occupancy. Any ambiguity regarding the meaning of “Owner-Built” shall be resolved by reference to state law regarding owner-builders. It is not the intention of this chapter to narrow or expand state law regarding owner-builders who are eligible to build

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limited density owner-built rural dwellings. "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.

- c. "Substandard Building" shall be defined as a structure or a portion of a structure in which there exists any condition that endangers the life, health, property, safety, or welfare of the public or the occupants thereof. Except as amended by the provisions of this chapter, the California Health and Safety Code Section 17920.3 shall be the determining criteria for compliance with the standards of this chapter and the defining of a "Substandard Building." Any structure or portion thereof which are determined by the enforcing agency to constitute a substandard building may be declared to a public nuisance and may be abated by repair, rehabilitation, or removal in accordance with California Health and Safety Code Sections 17980 through 17995.
- d. "Rural" shall mean:
 - i. A legal parcel throughout the unincorporated Plumas County area in private ownership or land lease tracts in private, tribal, state, or federal ownership.
 - ii. Zoned Suburban Zone ("S-1"), Secondary Suburban Zone ("S-3"), Rural Zone ("R-10"), Rural Zone ("R-20"), Recreation Zones ("Rec-1" "Rec-3" "Rec-10" and "Rec-20"), Agricultural Preserve Zone ("AP"), General Agriculture Zone ("GA"), Timberland Production Zone ("TPZ"), General Forest Zone ("GF"), and Mining Zone ("M").
 - iii. Parcels zoned Suburban Zone ("S-1"), Secondary Suburban Zone ("S-3"), Rural Zone ("R-10"), Rural Zone ("R-20"), Recreation Zones ("Rec-1" "Rec-3" "Rec-10" and "Rec-20") shall be of no less than 1 acre in size.
 - iv. Parcels zoned Mining Zone ("M") shall be of no less than 10 acres in size.
 - v. Parcels zoned General Agriculture Zone ("GA") and General Forest Zone ("GF") shall be of no less than 40 acres in size.
 - vi. Parcels zoned Agricultural Preserve Zone ("AP") shall be of no less than 80 acres in size.
 - vii. Parcels zoned Timberland Production Zone ("TPZ") shall be of no less than 160 acres in size.
 - viii. Dwellings shall meet all other zoning standards established in Title 9, Chapter 2 of the Plumas County Code, unless otherwise modified by this chapter or as modified to the satisfaction of the Planning Director.

Sec. 8-20.04 - Regulations of Use

a. Technical Code to be a Basis of Approval

Dwellings constructed pursuant to this section need not necessarily conform with the construction requirements prescribed by the latest applicable edition of the California Building Standards Code, Title 24, California Code of Regulations or other applicable technical codes; nevertheless, such dwellings shall conform with nationally-accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwellings that are contained in the California Building Standards Code. Such codes shall be the basis for approval.

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b. Existing Building Permits

The provisions of this chapter regulating the erection and lawful construction of dwellings and appurtenant structures shall not apply to building permits approved prior to the start of the Dixie Fire and Beckworth Complex Fire, as reported by CAL FIRE, or permits that have received a passing final inspection and certificate of occupancy prior to the effective date of this ordinance.

c. Permit Validity

Permits shall be valid for a period of three (3) years. The Building Services Director, in their sole discretion, is authorized to grant any reasonable extension of time on the building permit which will allow the owner to obtain his/her certificate of occupancy.

d. Existing As-Built Structures

Any person owning an existing structure in Plumas County which complies with the provisions of this chapter as an Owner Built Limited Density Rural Dwelling, may, within three (3) years from the adoption of this Ordinance, submit an application, pay the fee, and pending successful inspection, obtain a certificate of occupancy under these regulations.

e. Permits

Permits shall be required for the construction of Limited Density Rural Dwellings and their appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate County departments to verify compliance with the provisions of this chapter. No more than two 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-year period.

f. Exception

Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with Title 8 (Building Regulations) of the County of Plumas Code of Ordinances.

g. Permit Issuance

The issuance of a permit shall be contingent upon the approval of the submitted plans and construction documents by the Plumas County Building Department. Additionally, the Plumas County Environmental Health Department shall provide approval for the sewage disposal system and potable water that will serve the proposed structure(s) prior to the issuance of the building permit.

h. Presumptive Evidence

The sale, lease, rent, or employee occupancy of an owner-built limited density rural dwelling by the owner-builder within three (3) years of the issuance of certificate of occupancy shall be presumptive evidence that the structure was erected for these purposes and the property may be subject to revocation of the certificate of occupancy.

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i. Inspections

All construction, or work for which a permit is required, shall be subject to inspection by the Building Services Department. A minimum of six (6) inspections shall be required for all new buildings at the following stages of construction:

- ix. Electrical service.
- x. Foundations. Prior to placement of concrete for slab or stem wall foundation systems or prior to placement.
- xi. Underfloor/under-slab.
- xii. Rough In. Prior to closing walls, to inspect electrical, mechanical, plumbing, and structural framing.
- xiii. Insulation.
- xiv. Final Inspection for Certificate of Occupancy. Prior to issuance.

j. Modification

Unless otherwise specified in this chapter, modifications to the design, materials, and methods of construction may be permitted, provided that the structural integrity of the building or structure is maintained, the building conforms to the provisions of this chapter, and the Building Services Department is notified in writing and grants approval of the intended modification.

k. Temporary Occupancy

An owner-builder and the owner-builder's 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 an unfinished or furnished structure.

l. Certificate of Occupancy

After the structure(s) is/are completed for occupancy and any inspections which have been required by the Building Services Department have been conducted, and work approved, the Building Services Department shall issue a certificate of occupancy for such dwelling and appurtenant structure.

m. Recorded Covenants

As a condition of being permitted to construct a dwelling under this chapter, a declaration of covenants, conditions, and restrictions (CC&Rs) shall be recorded disclosing the nature of the dwelling and restrictions on its use, in a form acceptable to County Counsel, which shall run with the land and be enforceable by the County as an equitable servitude. The declaration shall state that the structure constructed on the property has been permitted under the regulations codified in this chapter applicable to Limited Density Owner-Built Rural Dwelling which has been adopted under the authorization of California Health and Safety Code Division 13 Chapter 4, and that the structure(s) is not in full compliance with the provisions of the edition of the Title 24 California Building Codes and County of Plumas Ordinances at the time of

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construction, and that occupancy is limited to the owner-builder and the owner-builder's family for a period of no less than three (3) years.

n. Application for Permit

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

- xv. Name and mailing address of the applicant.
- xvi. Address and location of the proposed structure(s).
- xvii. A general description of the structure(s) accompanied by plans.
- xviii. A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water sources and water ways.
- xix. Approval for the installation of private sewage disposal systems or alternative waste disposal means from the Plumas County Department of Environmental Health.
- xx. A stipulation by the applicant that the structure(s) is/are to be Owner-Built.
- xxi. The signature of the owner or authorized agent.
- xxii. The recorded covenant referenced herein in Section 4 Subsection m.
- xxiii. Any other data or information as may be required by the Building Department, Planning Department, Environmental Health Department, Public Works Department, and Engineering Department.

o. Plans

Plans shall consist of all necessary information to facilitate a reasonable judgement of conformance by the enforcing agency. Plans shall include a building floor plan; elevations; electrical, mechanical, and plumbing installations; and a structural drawing showing foundation, wall, and roof systems.

p. Abatement of Substandard Buildings

All structures or portions which are determined by the enforcing agency to constitute a Substandard Building shall be abated by repair, rehabilitation, or removal in accordance with California Health and Safety Code Sections 17980 through 17992. In cases of extreme hardship to owner occupants of the dwellings, the Building Services Department may provide for deferral of the effective date of orders to abatement.

q. Indemnification

The County makes no representations nor warrants that a home built under this Chapter is suitable for any specific purpose nor meets requirements for any specific purpose including insurance requirements. Any permit issued pursuant to this Chapter will include an indemnity clause which shall be recorded, in a form acceptable to County Counsel, with the recorded covenants and carry with the deed.

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Sec. 8-20.05 - Construction Requirements

a. Permit Review 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 California Title 24 Codes. Projects will be evaluated against the 2007 California Title 24 Codes.

b. 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 the structure or a section of structure is connected to a source of electrical power and wired for electrical use, the installation shall comply with the requirements of the latest edition of the California Title 24 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 Building Services 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 Building Services 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.

c. 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 2007 California Residential Code, the 2007 California Mechanical Code and the 2007 California Plumbing Code. Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability with the 2007 California Title 24 Mechanical Code.

d. 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. Solid fuel burning appliances shall comply with the latest Federal Environmental Protection Agency (EPA) standard for solid fuel burning appliances.

e. Plumbing Specifications

Where conventional plumbing, in all or in part, is installed within the structure, it shall be installed in accordance with the 2007 California Title 24 Plumbing Code. Alternative materials and methods shall be permitted with approval of the Building Services Director if the design

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complies with the intent of such code, and such alternatives shall perform to protect health and safety for the intended purpose.

f. Domestic Water

There shall be a water supply provided by a source approved by the County Environmental Health Department. Domestic water supply shall be available on the dwelling site, although such water need not be pressurized.

g. Sanitary Facilities

Sanitary facilities shall include a bathtub or shower and a lavatory and be connected to an approved private sewage or alternate waste disposal system subject to the approval of the County Environmental Health Department.

h. Egress

All egress systems, including emergency escape rescue openings in any room, shall be in conformance with the 2007 California Residential Code. Bedrooms shall be equipped with either a door to the exterior or an exterior window with 5.7 square feet of openable area for emergency exit. The window shall have a minimum clear opening width of twenty (20") inches, a minimum clear opening height of twenty-four (24") inches, and the window opening shall not be more than forty-four (44") inches above the interior floor of a room used for sleeping purposes.

i. Climatic and Geographic Structural Design Criteria

Structural design requirements for seismic, wind loads, and snow loads shall be in conformance with the latest edition of the California Title 24 Codes. For snow loads reference the latest version of the Plumas County Geographic Information System (GIS) Snow Load Overlay Map. It is the owner's responsibility to reference such map when submitting a building permit application under this chapter. Any property that falls within a region of snow load equal or greater than 50 pounds per square foot according to the Plumas County GIS Snow Load Overlay shall be of a structurally engineered design with plans and structural calculations stamped by a California licensed Professional Engineer in accordance with the California State Board of Technical Registration.

j. Residential Fire Sprinkler Exemption

This chapter shall have no impact on fire sprinkler requirements, which shall be required, unless otherwise exempted by this section. Residential fire sprinklers shall not be required for single-story dwellings 2,000 square feet or less. Such fire sprinkler exempt single-story dwellings shall not exceed thirty (30') feet in height measured from the lowest grade and shall be designed with two egress doors directly to the exterior. Egress doors shall be separated not less than half the diagonal dimension of the structure. Additions or alterations shall not be permitted that add to the habitable space of dwellings exempted from sprinklers by this section unless the existing and additional cumulative square footage does not exceed 2,000 square feet.

k. Water Storage for Fire Protection

Dwellings sites not within a fire service district shall provide for a minimum storage of two thousand five hundred (2,500) gallons of water for fire protection. Storage may be in tanks,

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swimming pools, ponds or other storage facilities and shall be in good working condition and seasonally maintained.

l. Solar Photovoltaic (PV)

Solar PV systems and solar-ready Title 24 requirements do not apply as dwellings constructed in compliance with this chapter need not conform with the construction requirements prescribed by the latest applicable editions of the California Title 24 Codes.

m. Smoke and Carbon Monoxide Alarms

Smoke and carbon monoxide alarms shall be required under this chapter in accordance with the 2019 California Title 24 Residential Code.

n. Fire Safety Requirements

Exterior wall coverings, exterior wall vents, exterior door assemblies, and roofing systems shall meet the requirements of Chapter 7A of the current Building Code, or successor chapters of the latest adopted version of the California Building Code and all new structures located within a Wildland Urban Interface (WUI) fire area designated by a federal, state, or local agency or Fire Hazard Severity Zones (FHSZ) under the California Board of Forestry and Fire Protection’s State Minimum Fire Safe Regulations located within the State Responsibility Area (SRA) and within the Very High Fire Hazard Severity Zone (VHFHSZ) in the Local Responsibility Area (LRA) shall comply with the “Materials and Construction Methods for Exterior Wildfire Exposure” requirements found in Chapter 7A.

Sec. 8-20.06 - Fees

Any person required to obtain a permit under this chapter, or a combination of any such permits, shall be required to pay fees as applicable and set forth in the current department fee schedule establishing fees for permits issued to recover the reasonable cost of processing.

Sec. 8-20.07 - 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 building or structure moved, improved, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter.

Sec. 8-20.08 - CEQA

This ordinance adoption is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(1) and/or Section 21080(b)(3) because projects resulting from this ordinance are ministerial and/or undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.