

Article VI. - Regulations for Limited Density Owner-Built Rural Dwellings[4] 26-60 - Authority.

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

(Ord. No. 4110, § 1, 4-12-16)

26-61 - Purpose and findings.

a)Purpose. The purpose of this article 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 Butte County (as defined in Section 26-63, "Definitions" herein), and to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of such dwellings and/or appurtenant or non-habitable structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of such dwellings and/or appurtenant or non-habitable structures to the requirements of Article 1, Section 1 of the California State Constitution, and the statutes of the State of California.

It is also the purpose of this article to support the use of alternative construction design, materials and methods that protect the environment, improve economic viability of sustainable construction, aid affordability of construction improvements, increase participation and consumer protection through promoting lawful construction activity, enhance owner equity in the improvement of property, and 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/or appurtenant or non-habitable structures.

b)Findings. It is necessary to modify said Article 8 and to make its provisions, as modified, operative because of the following local conditions:

1)The July 2008 Butte Lightning Complex fires resulted in the loss of over 200 dwellings in the Concow/Yankee Hill/Big Bend area of Butte County. The majority of these homes were uninsured or underinsured. A number of other fires in recent history have had an additional cumulative detrimental effect, and replacement of homes and restoration of these communities has placed an unprecedented financial burden upon the populations of these rural areas. These regulations, initially adopted in 2009 and extended in 2012, but which expired December 31, 2015 are readopted to facilitate the availability of affordable, owner-built homes which are essential to the continued health and welfare of the residents and these rural communities.

2)The ability to use owner generated materials, such as lumber milled from harvested timber, creates an affordable option for building materials not available under current Butte County building codes.

3)Citizens of the Concow/Yankee-Hill/Big Bend area have expressed a desire to legalize the construction of Limited Density Owner-Built Rural Dwellings in compliance with this article, and have emphasized the values of affordability, sustainability, self-sufficiency, creativity and character of the rural communities.

4)A large portion of the Concow/Yankee-Hill/Big Bend area is very remote, and utility services are cost prohibitive and difficult if not impossible to obtain. The lack of readily available public water, sewer or utility power connections would exclude participation in the normal permit process and create an unreasonable burden to the property owner to comply with the prescriptive building and development requirements of the California Building Standards Code (Title 24 of the California Code of Regulations).

(Ord. No. 4110, § 1, 4-12-16)

26-62 - Intent and application.

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of Limited Density Owner-Built Rural Dwellings and/or appurtenant or non-habitable structures. It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, detached bedrooms, and guest houses, located in rural areas and solely occupied as the principal residence of the owner or the owner's family. The requirements will also apply to barns, sheds, shops or other structures, not intended for human habitation, to be constructed and used solely by the owner of the property, or by the owner's family.

(Ord. No. 4110, § 1, 4-12-16)

26-63 - Definitions.

For the purposes of this article the following definitions shall apply:

a)Limited Density Owner-Built Rural Dwelling. Any structure consisting of one (1) or more habitable rooms intended or designed to be occupied by one (1) family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this article.

b)Owner-Built. Constructed by a general contractor licensed to practice in the State of California for an owner, or constructed by any person or family who acts as the owner builder or general contractor, 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.

c)Sale, Lease, or Rent. For the purposes of this article the sale, lease, renting or employee occupancy of owner-built structures within three (3) years of final inspection, issuance of a final approval to allow occupancy/use, or completion of the structure shall be presumptive evidence that the structure was erected for the purpose of sale, lease, rent, or employee occupancy. The three (3) year period of required owner occupancy may be waived in cases of Unreasonable Hardship.

d)Rural. For the purposes of this article only, "rural" shall mean legal parcels in unincorporated areas of the County that meet each of the following criteria:

1.A minimum parcel size of one (1) acre.

2.Located within that portion of the Golden Feather Union Elementary School District shown on the map entitled "Area of Construction for Limited Density Owner-Built Rural Dwellings in Butte County," which map is dated March 2016 and is attached to this article as Exhibit A.

3.A parcel created in compliance with the Butte County Code.

4.A parcel 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.

e)Appurtenant Structures. Structures directly related to the primary residential use, including but not limited to detached bedrooms or hobby rooms used as living space, garages, or pump houses. Non-habitable structures include, but are not limited to, shops, barns, or sheds, including those considered accessory to the zone.

f)Sub-Standard Building. A structure or 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 article, Chapter 10 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, shall be the determining criteria for compliance with the standards of this article and the defining of a substandard building.

g)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: 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, or building designs that protect health and safety for the application and purpose intended; and any other provisions of this article regulating the construction, use and occupancy of dwellings and appurtenant structures.

(h)Unreasonable Hardship. Unreasonable hardship exists when the Building Official finds that compliance with the requirement for a minimum of three (3) years of owner occupancy is unfeasible, due to circumstances forcing the sale or rental of the property, including but not limited to the death,

divorce, loss of employment or income, or disability of the owner, supported by sufficient information provided by the applicant.

(Ord. No. 4110, § 1, 4-12-16)

26-64 - Regulation of use.

(a)Housing permitted pursuant to this article 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)For the purposes of this article the sale, lease, renting or employee occupancy of owner-built structures within three (3) years of the issuance of a final approval to occupy/use or completion of the structure shall be presumptive evidence that the structure was erected for the purpose of sale, lease, renting, or employee housing.

(c)A second dwelling using a Limited Density Owner-Built Rural Dwelling permit shall be allowed for a family member using the same criteria as the primary dwelling. After/or during original construction, additions may be permitted to be made to such a dwelling, and non-habitable structures, whether appurtenant thereto or otherwise, may be permitted after approval by the Building Division.

(d)The restrictions of this article on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this article.

(Ord. No. 4110, § 1, 4-12-16)

26-65 - Abatement of substandard buildings.

All structures or portions thereof which are determined by the Building Official to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal of the structure in accordance with the Code Enforcement and Nuisance Abatement Procedures found in Chapters 41 and 32A. In cases of extreme hardship to owner-occupants of the dwellings, the Building Official should provide for deferral of the effective date of orders of abatement.

(Ord. No. 4110, § 1, 4-12-16)

26-66 - Petition for interpretation.

Any Limited Density Owner-Built Rural Dwelling permit applicant or owner may petition the Building Official for an interpretation of any provision of this article. Petitions shall be submitted in writing, after which the Building Official may consider such requests and may make a determination as to the meaning or intent of any provision of this article with respect to the petition in question. The consideration of petitions for interpretation shall be based upon the current adopted California Building Codes including those provided under Title 25 of the California Code of Regulations, and shall be discretionary with the Building Official.

(Ord. No. 4110, § 1, 4-12-16)

26-67 - Interpretation.

Interpretations by the Building Official as to the meaning, intent, or application of the provisions of this article are not intended to preempt the exercising of building or housing appeals processes, as provided in this chapter, but are intended to facilitate public understanding and the effective enforcement of this article.

(Ord. No. 4110, § 1, 4-12-16)

26-68 - Notice of interpretation.

The Department of Development Services shall keep a record of all interpretations made by the Building Official which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Building Official's findings.

(Ord. No. 4110, § 1, 4-12-16)

26-69 - Recording.

No provision of this article is intended to prohibit or limit the County from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and/or appurtenant or non-habitable structures. A deed restriction disclosing the nature of the dwellings, appurtenant and/or non-habitable structures shall be recorded.

The Department of Development Services shall record a "Notice of Limited Allowed Use" as delineated in Section 26-3.3. This notice shall disclose:

1.The nature of the dwelling, appurtenant and/or non-habitable structures, and that the structure/s have been permitted under this article, entitled "Regulations for Limited Density Owner-Built Rural Dwellings," of this chapter, entitled "Buildings," adopted under the authorization of Health and Safety Code section 17958.2, and not under Title 24, California Code of Regulations.

2.That occupancy and/or use is limited to the owner and owner's family.

(Ord. No. 4110, § 1, 4-12-16)

26-70 - Violations.

The critical concern in the promulgation of this article is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this article, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that the abatement procedures outlined in Chapter 32A, entitled "Property Maintenance and Abatement of Nuisances," should be the first remedy pursued by the Building Official.

(Ord. No. 4110, § 1, 4-12-16)

26-71 - Permits.

Permits shall be required for the construction of Limited Density Owner-Built Rural Dwellings and/or appurtenant or non-habitable structures. The application, plans, and other data filed by an applicant for such a permit shall be reviewed by the Department of Development Services, Building Division, to verify compliance with the provisions of this article. When the Building Official determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this article, the agency shall issue a permit therefor to the applicant.

(Ord. No. 4110, § 1, 4-12-16)

26-72 - Exemptions.

Permits shall not be required pursuant to Section 26-71 for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the Building Official.

(Ord. No. 4110, § 1, 4-12-16)

26-73 - Existing buildings.

1.A building permit shall be obtained pursuant to the provisions of this article for a Limited Density Owner-Built Rural Dwelling that was constructed or was partially constructed, without a building permit.

2.The applicant must be the owner of the dwelling or structure at the time of application and issuance of the permit.

3.The dwelling or structure shall meet all standards required by this article.

4.An inspection of the dwelling shall be made by the Butte County Building Division to determine that the requirements of this article have been substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the structure.

(Ord. No. 4110, § 1, 4-12-16)

26-74 - Application.

To obtain a permit, the applicant shall first file an application therefor with the Building Division. 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, and construction details;
- (4) A site plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways, slope of site, major land features, and all required items on the Butte County Building Division "Site Plan Requirements" handout;
- (5) Approval for the installation of a private sewage disposal system or alternate waste disposal means from the Butte County Public Health Department, Environmental Health Division;
- (6) A stipulation by the applicant that the building or structure is to be owner-built;
- (7) The signature of the owner, contractor, or authorized agent;
- (8) The use or occupancy for which the work is intended; and
- (9) Any other data or information as may be required by statute or Butte County regulation.

(Ord. No. 4110, § 1, 4-12-16)

26-75 - 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 Building Division. This shall include a 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 Building Division cannot make a reasonable judgment of conformance to this article based upon the general description and simplified plan(s).

(Ord. No. 4110, § 1, 4-12-16)

26-76 - Waiver of plans.

The Building Official may waive the submission of any plans if he or she finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this article.

(Ord. No. 4110, § 1, 4-12-16)

26-77 - 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 article, and the Building Official is notified in writing of the intended modification.

(Ord. No. 4110, § 1, 4-12-16)

26-78 - Permit validity.

Permits shall be valid, for a minimum period of three (3) years, unless renewed as specified in Butte County Code section 26-3.1(a).

(Ord. No. 4110, § 1, 4-12-16)

26-79 - Inspections.

All construction or work for which a permit is required pursuant to this article shall be subject to inspection by the Building Official. Required inspections shall consist of a foundation inspection prior to placement of concrete, a concrete slab or under-floor inspection, a rough framing, plumbing, electrical, and mechanical inspection prior to covering of walls, and a final inspection. The final inspection shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Other inspections may be required by the Butte County Fire Department, or the Butte County Public Health Department, Environmental Health Division. Structures of conventional or simple construction shall be inspected at a single inspection if possible because all components to be inspected are simultaneously ready for inspection.

(Ord. No. 4110, § 1, 4-12-16)

26-80 - Special inspections.

Additional inspections may be conducted under the following circumstances: An inspection shall 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; or 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.

(Ord. No. 4110, § 1, 4-12-16)

26-81 - Inspection waivers.

Inspections may be waived by the Building Official 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.

(Ord. No. 4110, § 1, 4-12-16)

26-82 - Inspection requests and notice.

It shall be the duty of the applicant to notify the Building Official that the construction is ready for inspection and to cause the work to remain accessible and exposed for inspection purposes, and to provide access to the premises. Inspections shall be requested by the applicant at least forty-eight (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.

(Ord. No. 4110, § 1, 4-12-16)

26-83 - Final approval of occupancy/use.

After the structure(s) is completed for occupancy/use and any inspections which have been required by the Building Division have been conducted, and work approved, the Building Official shall issue a final approval to allow occupancy/use of such dwelling(s) and appurtenant and/or non-habitable structure(s) which comply with the provisions of this article.

(Ord. No. 4110, § 1, 4-12-16)

26-84 - Temporary occupancy.

The use and occupancy of a portion or portions of a dwelling or appurtenant and/or non-habitable structure prior to the completion of the entire structure pursuant to this article shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

(Ord. No. 4110, § 1, 4-12-16)

26-85 - Fees.

Fees shall be required and collected by the Building Division to provide for the cost of administering the provisions of this article, and shall be as set forth in Section 3-41 and in the most currently adopted Butte County Master Fee Schedule. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this article.

(Ord. No. 4110, § 1, 4-12-16)

26-86 - General requirements.

(a)Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

(b)Generators shall be enclosed in a sound reduction enclosure approved by the Building Official to eliminate or greatly reduce noise. This structure shall consist of a fully enclosed masonry or wood frame structure with a minimum of two (2) inches by four (4) inches insulated wall and roof framing, with walls, ceiling, and roof covered in the manner required by the most recently adopted technical codes on both inside and outside surfaces. This structure shall reduce generator noise to a maximum of fifty-five (55) decibels twenty (20) feet from the structure.

(Ord. No. 4110, § 1, 4-12-16)

26-87 - Intent of general requirements.

It shall be the purpose and intent of this article:

To allow the use of ingenuity and preferences of the builder; to allow and facilitate the use of alternatives to the specifications prescribed by the latest adopted version of the technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives; and to assure 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 article, it shall be necessary for the Building Official to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this article.

(Ord. No. 4110, § 1, 4-12-16)

26-88 - Technical codes to be a basis of approval.

Except as otherwise required by this article, dwellings and appurtenant and/or non-habitable structures constructed pursuant to this article need not conform with the construction requirements prescribed by the latest adopted editions of the California Building, Plumbing, Mechanical, and Electrical Codes, 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 and/or non-habitable structures as are contained in the technical codes. Such codes shall be a basis for approval.

(Ord. No. 4110, § 1, 4-12-16)

26-89 - Fire safety regulations.

A Limited Density Owner-Built Rural Dwelling permit application shall be reviewed by Cal Fire Butte County for compliance with Public Resources Code sections 4290 and 4291, and Butte County Code.

All Limited Density Owner-Built Rural Dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the 2013 California Residential Code, Section R327, or in the latest adopted version of the California Residential Code, Chapter 7A. Fire sprinklers shall be installed within all residential structures greater than one thousand two hundred fifty (1,250) square feet (Manufactured Homes are exempt from this requirement). Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with Section R313 of the 2013 California Residential Code or with NFPA 13D or current adopted Residential Code.

(Ord. No. 4110, § 1, 4-12-16)

26-90 - Construction requirements.

1.Structural Requirements. Buildings or structures constructed pursuant to this article may be of any type of construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition, and which may constitute a substandard building, are defined by the 1997 Uniform Housing Code, section 1001.3.

2FOUNDATIONS. Pier foundations, stone masonry footings and foundations, pressure treated lumber, poles, or equivalent foundation materials or designs may be used provided that the bearing and lateral stability is sufficient for the purpose intended.

3.MATERIALS. Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose.

4.Heating Capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this article; however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of a solid fuel or solar heating device shall be deemed as complying with the requirements of this section. If a non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards.

5.Room Requirements. There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress.

(Ord. No. 4110, § 1, 4-12-16)

26-91 - Sanitation requirements.

Sanitation facilities, including the type, design, and number of facilities, shall be shown on plans submitted for the building permit.

No dwelling shall discharge wastewater from sanitary facilities other than to a wastewater system that is designed, constructed, operated, and maintained in accordance with the requirements of the Public Health Department, Division of Environmental Health. The Environmental Health Division may approve alternative sanitary facilities, provided the Division has first developed requirements for the design, construction, operation, maintenance, and permitting of said facilities that have been approved by the Board of Supervisors. No dwelling shall utilize a bathtub or shower and a washbasin, or alternate bathing and washing facility unless it has been approved by the Environmental Health Division and Building Official.

(Ord. No. 4110, § 1, 4-12-16)

26-92 - Mechanical requirements.

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article shall be installed and vented in accordance with the applicable requirements contained in the most currently adopted version of the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

(Ord. No. 4110, § 1, 4-12-16)

26-93 - Electrical requirements.

No dwelling or appurtenant and/or non-habitable structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 26-94.

(Ord. No. 4110, § 1, 4-12-16)

26-94 - Electrical installation requirements.

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Electrical Code, Part 3, Title 24, California Code of Regulations.

(Ord. No. 4110, § 1, 4-12-16)

26-95 - 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 Building Official determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the Building Official 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 shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

(Ord. No. 4110, § 1, 4-12-16)

26-96 - Plumbing requirements.

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Plumbing Code, Part 5, Title 24, California Code of Regulations.

(Ord. No. 4110, § 1, 4-12-16)

ARTICLE VI—EXHIBIT A

