

ORDINANCE NO. ORD12-06
AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS ADOPTING CHAPTER 15.50 OF THE MONO COUNTY CODE PERTAINING TO LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS

WHEREAS, there are certain privately owned properties within the county that are remote, isolated and difficult to access; and

WHEREAS, the development of these properties with single family residences in full compliance with the California Building Standards Code may not be desirable; and

WHEREAS, the California Building Standards Code allows for the development of county specific regulations known as "Limited Density Owner-Built Rural Dwellings;" and

WHEREAS, several other counties have implemented such regulations with few complications; and

WHEREAS, because there is some concern regarding unintended consequences of such regulations in Mono County, an automatic expiration (sunset) clause is built into the code language;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS as follows:

SECTION ONE: Chapter 15.50 is hereby added to the Mono County Code and shall read as follows:

"Chapter 15.50

LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS

Sections:

15.50.010	Purpose.
15.50.020	Intent and application.
15.50.030	Definitions.
15.50.040	Building standards; building official authority.
15.50.050	Recorded covenants.
15.50.060	Permits.
15.50.070	Application for permit.
15.50.080	Plans.
15.50.090	Permit issuance.
15.50.100	Inspections.
15.50.110	Certificate of Occupancy.
15.50.120	Fees.
15.50.130	Construction requirements.
15.50.140	Fire safety regulations.
15.50.150	General plan compliance.
15.50.160	Chapter expiration.

15.50.010 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 Mono 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 such dwellings.

15.50.020 Intent and application.

The provisions in this chapter shall apply to the lawful construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner built rural dwellings and detached structures. It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings located in rural areas and solely occupied as the residence of the owner or the owner's family. Such dwellings shall be considered single family dwellings.

15.50.030 Definitions.

As used in this Chapter:

- 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, rental, or employee occupancy. The sale, lease, renting, or employee occupancy of owner-built structures within two (2) years of the issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, rental, 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 the County to narrow or expand state law regarding owner-builders who are eligible to build Limited Density Owner-Built Rural Dwellings.
- B. "Limited Density Owner-Built Rural Dwelling parcel" means a single parcel in-holding that is completely surrounded by federally owned lands, is at no point nearer than one (1) air mile from a paved road, and is at least ten (10) acres in size.
- 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. (Note: 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.)

15.50.040 Building standards; building official authority.

A. When constructing a residential structure on a Limited Density Owner- Built Rural Dwelling parcel, dwellings constructed pursuant to this section need not necessarily conform with the construction requirements prescribed by the latest applicable edition of the California Residential, Building, Plumbing, Mechanical, Electrical, Energy, Fire or Green Building Standards Codes, 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 Codes. Such codes shall be a basis for approval.

B. The construction of a dwelling under this chapter is a privilege, not a right. The Building Official has full authority in the interpretation and application of the provisions of this chapter, including but not limited to determining eligibility of a dwelling proposed to be constructed under this chapter and applicable building standards for any such proposed dwelling.

15.50.050 Recorded covenants.

As a condition of being permitted to construct a dwelling under this Chapter, a declaration of covenants, conditions, and restrictions 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 this property has been permitted under the special regulations codified in Chapter 15 of the Mono County Code applicable to limited density owner built rural dwellings adopted under the authorization of California Health and Safety Code section 17958.2; that the structure(s) is not in full compliance with the provisions of the technical codes; and that occupancy is limited to the owner and the owner's family.

15.50.060 Permits.

Permits shall be required for the construction of limited density owner-built rural dwellings. The application, plans, and other data filed by an applicant for

such permit shall be reviewed by the Mono County Building Division and other County Departments to verify compliance with the provisions of this Chapter. When the Building Official determines that the permit application and other data indicate that the structure will comply with the provisions of this article, the Building Official may issue a permit therefore to the applicant, as provided for in this Chapter.

15.50.070 Application for permit.

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

- (1) Scope of work
- (2) Name and address of the applicant
- (3) Address and location of the proposed work
- (4) Use and occupancy for which the proposed work is intended
- (5) Be accompanied by plans and construction documents
- (6) Indicate square feet or valuation of proposed new work
- (7) Initial, sign, and date the owner-builder disclosure form
- (8) Be signed by the applicant or applicant's authorized agent
- (9) Give such other data and information as required by the Building Official.

15.50.080 Plans.

Plans shall consist of a general description of the structure(s), including all necessary information and details to facilitate a reasonable judgment of conformance by the Mono County Building Division. Due to Mono County having climatic conditions that produce snow loads, and that all of Mono County is known to be in a high seismically active region of the state, buildings shall be designed in accordance with accepted engineering practice.

15.50.090 Permit issuance.

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

15.50.100 Inspections.

All construction or work for which a permit is required pursuant to this Chapter shall be subject to inspection by the Building Official or his/her agent. It shall be the responsibility of the applicant or his or her agent to notify the Mono County Building Division to have such work inspected.

15.50.110 Certificate of Occupancy.

After the structure(s) is completed for occupancy any inspections which have been conducted, and work approved, the Building Official shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this Chapter. The Certificate of Occupancy shall indicate that the structure(s) that it is issued for have been constructed and approved pursuant to the provisions of this chapter.

15.50.120 Fees.

Fees shall be required and collected by the Mono County Building Division to provide for the cost of administering the provisions of this Chapter, in an amount to be duly established and adopted by resolution of the Board of Supervisors.

15.50.130 Construction requirements.

- A. The dwelling unit shall have a room or space of not less than 220 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant in excess of two. The unit shall also be provided with a kitchen sink with a clear working space of thirty (30) inches in front. A separate bathroom containing a water closet, lavatory and bathtub or shower shall be provided. The maximum size of dwelling units and detached structures shall be 640 square feet.
- B. Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to the Chapter shall be installed and vented in accordance with the requirements contained in the California Mechanical Code.
- C. 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 chapter.
- D. 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. Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the California Electrical Code.
- E. Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the California Plumbing Code.

- F. Potable water shall be available to the dwelling site, although such water need not be pressurized. Where water is not piped from a well, spring, cistern, or other approved source, there shall be a minimum reserve of fifty (50) gallons of potable water available. Hot water need not be provided to serve any structure(s). The Mono County Environmental Health Department shall be the Health Authority Having Jurisdiction to provide the approval of potable water.
- G. Sanitary facilities shall be connected to an approved private sewage disposal system or an alternate waste disposal system subject to the inspection and approval of the Mono County Environmental Health Department.
- H. All egress systems, including emergency escape rescue exits in any room(s) that could reasonably be used as sleeping room(s), shall be in conformance with the California Residential Code.
- I. Smoke detectors shall be installed in accordance with the California Residential Code. For dwellings that do not have electrical power, battery operated smoke detectors shall be acceptable.

15.50.140 Fire safety regulations.

A Limited Density Owner-Built Rural Dwelling permit application shall be reviewed by CalFire for compliance with Public Resources Code sections 4290 and 4291, as well as for any other requirements CalFire may have regarding defensible space. For purposes of this chapter, residential fire sprinklers shall not be required in Limited Density Owner Built Rural Dwellings.

15.50.150 General plan compliance.

Limited Density Owner-Built Rural Dwelling structures shall comply with all applicable development regulations of the Mono County General Plan.

15.50.160 Chapter expiration.

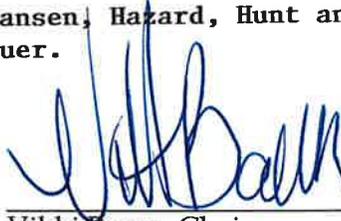
This chapter is a pilot program. This Chapter will expire and be of no further force and effect after December 31, 2014, or after five (5) applications for permits under this Chapter have been accepted by the County, whichever occurs last. Notwithstanding the foregoing, applications that have been submitted prior to said expiration date may be processed, including but not limited permit issuance, completion of construction, final inspection of said construction, and issuance of a Certificate of Occupancy."

SECTION TWO: This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance or a summary thereof in the manner prescribed by Government Code section 25124 no later

than 15 days after the date of this ordinance's adoption and final passage. If the Clerk fails to so publish this ordinance or a summary thereof within said 15 day-period, then the ordinance shall not take effect until 30 days after the date of publication.

PASSED, APPROVED and ADOPTED this 18 day of December, 2012, by the following vote, to wit:

AYES: Supervisors Hansen, Hazard, Hunt and Johnson.
NOES: Supervisor Bauer.
ABSENT: None.
ABSTAIN: None.



Vikki Bauer, Chair
Mono County Board of Supervisors

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL