

ORDINANCE NO. 2022-03

AN ORDINANCE REPEALING AND REENACTING CHAPTERS 12.08, 12.14, 12.15, 12.16, 12.17, 12.18, 12.19, 12.20, 12.24; ADDING CHAPTERS 12.05, 12.09 AND 12.27; AMENDING SECTION 12.12.010; AND ADDING SECTION 12.04.055, ALL IN ARTICLE I, OF THE LASSEN COUNTY CODE, KNOWN AS THE LASSEN COUNTY BUILDING CODE

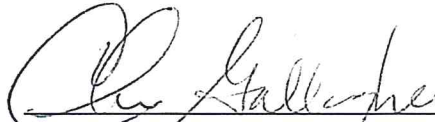
The following ordinance, consisting of twenty sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the 8th day of February, 2022, by the following vote:

AYES: Supervisors Gallagher, Bridges, Hemphill, Albaugh, and Hammond.

NOES: None.

ABSTAIN: None.

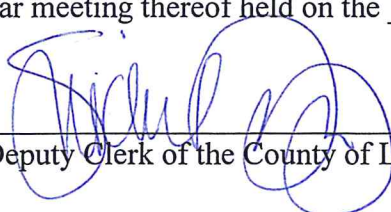
ABSENT: None.


Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest: JULIE BUSTAMANTE
Clerk of the Board

By: 
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the 8 th day of February, 20 22.


Deputy Clerk of the County of Lassen Board of Supervisors



THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: The Board of Supervisors finds and determines that every three years the State of California repeals and adopts administrative regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. Pursuant to Health and Safety Code sections 17958, 17958.5, and 17958.7, the County may adopt changes and modifications to the amendments to the California Building Standards Code that it determines are reasonably necessary because of local climatic, geological and topographical conditions. This ordinance will repeal and reenact the following Chapters of Article 1 of Title 12 of the Lassen County Code: Chapter 12.08, Chapter 12.14, Chapter 12.15, Chapter 12.16, Chapter 12.17, Chapter 12.18, Chapter 12.19, Chapter 12.20, Chapter 12.24; repeal and reenact Section 12.12.010 of the Lassen County Code; add Chapters 12.05, Chapter 12.09 and 12.27; and will add section 12.04.055 to the Lassen County Code.

SECTION THREE: Addition of Section 12.04.055 to the Lassen County Code, to read as follows:

12.04.055.

The provisions of this title are to operate in conjunction with the provisions of the most recent version of the California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the most recent version of the California Residential Code (California Code of Regulations, Title 24, Part 2.5); the most recent version of the California Plumbing Code (California Code of Regulations, Title 24, Part 5); the most recent version of the California Electrical Code (California Code of Regulations, Title 24, Part 3); the most recent version of the California Mechanical Code (California Code of Regulations, Title 24, Part 4); the most recent version of the California Energy Code (California Code of Regulations, Title 24, Part 6); the most recent version of the California Historical Building Code (California Code of Regulations, Title 24, Part 8); the most recent version of the California Existing Building Code (California Code of Regulations, Title 24, Part 10); the most recent version of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11); and the most recent version of the California Referenced Standards Code (California Code of Regulations, Title 24, Part 12). Whenever any provision of this chapter is in conflict with any of the above, the provisions of this title shall govern.

SECTION FOUR: Addition of Chapter 12.05 to the Lassen County Code to read as follows:

Chapter 12.05 California Administrative Code

12.05 Adoption

The most current edition of the California Administrative Code, is hereby adopted by the County of Lassen, for enforcement within the Lassen County Jurisdiction, as if is fully set forth herein, with additions, deletions and modifications as set forth in this chapter.

SECTION FIVE: Chapter 12.08 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.08 California Building Code

12.08.010 Adoption.

The most current edition of the California Building Code, including the State of California Amendments, based on the most recent version of the International Code Council's International Building Code, with additions, deletions and modifications as set forth in this chapter, is hereby adopted by the County of Lassen, for enforcement within the Lassen County Jurisdiction, and will be further referred to as the "Lassen County Building Code."

12.08.030 Intent

The intent of Lassen County in this code adoption is to comply with state law, as written, and to protect the public safety, inalienable rights and general welfare of the citizens of Lassen County from fire, discriminatory access and other hazards attributed to the built environment.

12.08.040 Wood shake or shingle construction prohibited in the unincorporated territory of the county of Lassen.

In addition to the requirements of the California Building Standards Code (Title 24 of the California Code of Regulations), wood shingles or wood shake construction for roofing or siding shall not be approved for new construction in the unincorporated territory of the county of Lassen, and shall not be allowed as to existing buildings when fifty percent or more of the roof or siding is to be replaced.

Due to local climatic, geographic and logistical concerns in Lassen County for the preponderance of conflagration and wildfires; Class A (fire resistant) roofing is required on all new construction, re-roofing and repairs where roofing material is to be replaced equaling fifty percent of the roofing material or greater.

SECTION SIX: Addition of Chapter 12.09 to the Lassen County Code to read as follows:

Chapter 12.09 California Residential Code.

12.09.05 Adoption

The most recent version of the California Residential Code, including the State of California Amendments; based on the International Code Council's most recent version of the International Residential Code, is adopted by reference as if is fully set forth herein, with additions, deletions and modifications as set forth in this chapter, for enforcement within the Lassen County Jurisdiction, and will be further referred to as the "Lassen County Residential Code."

SECTION SEVEN: Section 12.12.010 of the Lassen County Code is hereby repealed and replaced with the following:

12.12.010 Adoption.

The most recent version of the California Plumbing Code, including state of California Amendments, based on the International Code Council's most recent version of the Uniform Plumbing Code, is adopted by this reference for enforcement in Lassen County with the same force as if is set forth in this chapter, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the "Lassen County Plumbing Code."

SECTION EIGHT: Chapter 12.14 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.14 California Mechanical Code

12.14.010 Adoption.

The most recent version of the California Mechanical Code, including State of California Amendments, based on the International Code Council's most recent version of the Uniform Mechanical Code, is adopted by reference for enforcement in Lassen County with the same force as if is set forth in this chapter, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the "Lassen County Mechanical Code."

SECTION NINE: Chapter 12.15 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.15 Uniform Housing Code

12.15.010 Adoption.

Ordinance Number: 2022-03

The Uniform Housing Code, 1997 Edition, as adopted by the International Conference of Building Officials, is adopted by this reference with the same force and effect as if fully set forth herein with the additions and deletions set forth in this chapter.

12.15.020 Definitions

When used in the Uniform Housing Code:

- a. The term “city” shall mean the county of Lassen.
- b. The term “council” shall mean the board of supervisors.
- c. The term “city personnel” shall mean county personnel.
- d. The term “building official” shall mean the chief county building inspector or his authorized representative.
- e. The term “health officer” shall mean the county health officer or his authorized representative and shall include the county sanitarian.

12.15.030 Board of appeals.

Notwithstanding anything to the contrary contained in Section 1201 of said Uniform Housing Code, a hearing officer as appointed by the county administrative officer shall serve as the board of appeals, and wherever used in said code, “board of appeals” means the hearing officer appointed for this purpose. The hearing officer shall not be a Lassen County employee. The employment, performance evaluation, compensation and benefits to the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

SECTION TEN: Chapter 12.16 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.16 Electrical Code

12.16.010 Adoption.

The most recent version of the California Electrical Code, including California Electrical Code Amendments, based on the International Code Council’s most recent version of the International Electrical Code, is adopted by this reference with the same force and effect as if fully set forth in this chapter, for enforcement in Lassen County, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the “Lassen County Electrical Code.”

SECTION ELEVEN: Chapter 12.17 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.17 Energy Conservation Energy Code

12.17.010 Adoption of the California Energy Code

Ordinance Number: 2022-03

The most recent version of the California Energy Code, including California Energy Code Amendments and future mid-code cycle amendments, is adopted by this reference with the same force and effect as if fully set forth in this chapter, for enforcement in Lassen County, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the “Lassen County Energy Code.”

SECTION TWELVE: Chapter 12.18 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.18 Green Building Standards Code

12.18.010 Adoption of the California Green Building Standards Code

The most recent version of the California Green Building Standards Code, as adopted by the State of California, is adopted by this reference with the same force and effect as if fully set forth in this chapter, for enforcement in Lassen County, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the “Lassen County Green Building Standards Code.”

SECTION THIRTEEN: Chapter 12.19 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.19 Snow Load Design Standards

12.19.005 Intent.

The intent of this chapter is to ensure that persons residing and working within the unincorporated area of Lassen County are not subjected to life threatening and property damaging perils because structures are not designed and constructed to standards which are adequate to withstand failure due to excessive buildup of snow during severe weather events.

12.19.010 Minimum standards for new construction.

Lassen County is located in a designated snow load zone “CS” as described in the 2019 California Building Code section 1608.2 and figure 1608.2. This designation requires that snow loads be based on site specific “Case Studies” for the areas and shall be based on extreme value statistical analysis as described in section 1608 of the California Building Code. All snow loads shall either be determined from the case study commissioned by Lassen County or be valued at the most extreme example within the area of construction. Alternatively, an applicant may submit their own case study with a building permit application for consideration by the Building official.

The Lassen County Planning and Building Services department shall keep a record of the applicable case study for Lassen County and shall provide snow load information to the public on request.

12.19.020 Minimum structural engineering requirements.

In accordance with the California Building Code, conventional light frame construction is prohibited in all areas of Lassen County with a roof snow load of more than 35 pounds per square foot, and the California Residential Code requires engineering when roof snow load is more than 49 pounds per square foot or more.

12.19.030 Minimum prescriptive roof support.

All gable end roof overhang to be supported by two inch by six inch nominal dress sized lumber, spaced twenty-four inches on center in snow load areas which meet and exceed forty pounds per square foot, and those structures using engineered roof trusses shall be supported against lateral movement by the use of continuous ridge blocking installed between each truss.

12.19.040 Request for variance.

Any person who disagrees with the snow load standards established in this chapter may petition the Lassen County Building Official for relief from such standards. The variance request must be accompanied by evidence based on professional engineering and scientific data that shows that the standards described by the snow load map are not necessary in the particular circumstance. The Building Official may grant a variance from the required snow load, upon finding that the described standard snow load is in excess of what is necessary to meet the intent of this chapter.

12.19.050 Appeal.

Any person who has requested a variance from the standards set forth in the chapter and who is not satisfied with the decision of the Building Official may appeal such decision to the board of supervisors by filing a notice of appeal with the county clerk. Such notice must be filed within ten days of the decision of the Building Official and must be accompanied by the appeal filing fee imposed by Section 3.18.020 of the Lassen County Code and evidence based on professional engineering and scientific data that shows that the standards described by the snow load map are not necessary in the particular circumstance. The board of supervisors may grant a variance from the required snow load, upon finding that the described standard snow load is in excess of what is necessary to meet the intent of this chapter.

SECTION FOURTEEN: Chapter 12.20 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.20 County Building Staff Authority

12.20.010 Position established.

Ordinance Number: 2022-03

There is hereby established within the county of Lassen the position of Chief Building Official.

12.20.015 Authority to Enforce

This chapter shall be enforced by the Lassen County Chief Building Official, and designated staff. The Chief Building Official is also referred to as the Building Inspector in this Code and both terms shall have the same meaning.

12.20.20 Duties.

- (a) The Chief Building Official shall be directly responsible to the Director of the Department of Planning and Building Services. Responsibilities of the Chief Building Official include, but are not limited, to the following:
 - i. Enforce applicable provisions of the California Building Standards Code (Title 24 of the California Code of Regulations) and other laws, ordinances, and regulations, with such additions, deletions and modifications as are adopted in this chapter;
 - ii. Review applications for building permits, issue permits, collect fees therefor, make inspections, issue certificates of occupancy and such other functions as are imposed upon the Building Official by the California Building Standards Code (Title 24 of the California Code of Regulations) either in person or by such assistants, deputies, or employees authorized by the board of supervisors.
 - A. Notwithstanding anything to the contrary contained in any uniform code adopted elsewhere in this code by reference, no certificate of occupancy shall be issued prior to receipt of certification by the county fire warden that all applicable requirements of Chapter 9.16 (Fire Hazards) have been met.
 - iii. Such other duties as may be assigned by the board of supervisors including, but not limited to, the inspection and enforcement of construction standards related to issuance of use permits, variances and other discretionary entitlements pursuant to the Lassen County Code.

SECTION FIFTEEN: Chapter 12.24 of the Lassen County Code is hereby repealed and replaced with the following:

Chapter 12.24 BUILDINGS PERMITS

12.24.010 Required.

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure; or install a mobilehome; or to install or alter any plumbing or electrical wiring or fixtures therein in the unincorporated territory of Lassen County subject to regulations of this chapter without having first obtained a building permit therefor from the Lassen County Building Official.

Failure to secure any building permit required by this Article or by the California Building Standards Code (Title 24 of the California Code of Regulations) is declared to constitute a public nuisance as described in Chapter 1.18 (Public Nuisances) of the Lassen County Code.

12.24.020 Application.

Application for building permits shall be made in the manner consistent with the requirements of this Chapter and the California Building Standards Code (Title 24 of the California Code of Regulations), on forms provided by the Lassen County Department of Planning and Building Services, with the required plans, calculations, and specifications.

12.24.025 Legal lot determination.

- (a) Consistent with Government Code Section 66499.34, prior to the issuance of any building permit, a determination shall be made as to whether the parcel of land on which the development is proposed was created in compliance with, or exempt from, the provisions of the Subdivision Map Act (Government Code Section 66410, et seq.). Parcels shall be deemed to have been legally created or legitimized under the following circumstances for which reasonable evidence shall be presented to the Department of Planning and Building Services by the applicant:
 - i. The parcel was created by, legitimized by, or recognized by a recorded certificate of compliance, lot line adjustment, merger, parcel map, parcel map waiver, subdivision map or official map prepared pursuant to the Subdivision Map Act or local ordinance; or
 - ii. The Lassen County Surveyor has confirmed that the parcel was created prior to March 4, 1972, and satisfies the criteria of either Government Code Section 66412.6(a) or 66412.6(b); or
 - iii. Other circumstances, as determined by the Lassen County Surveyor, to constitute the legal subdivision of land.
- (b) For parcels created in violation of the Subdivision Map Act and any local ordinance enacted pursuant thereto, no building permit shall be issued for development of such parcel unless a certificate of compliance or conditional certificate of compliance has been issued and recorded in accordance with Title

16 of this Code. If a conditional certificate of compliance has been issued and recorded, all of the conditions listed on the certificate must be satisfied before issuance of any permit.

12.24.030 Issuance.

The Building Official shall check the application, plans and specifications, and issue or deny a building permit for said work, including any plumbing and electrical work, in the manner specified by this Article and the California Buildings Standards Code and any adopted appendices.

12.24.040 Compliance with health and zoning regulations.

No permit shall be issued for any building, mobile home, or electrical work, for which a private sewage disposal must be installed, altered or added to, unless and until the Building Official is satisfied that approval can be obtained for sewage disposal, as outlined under section 12.12.020. Excluded from this provision are: electrical permits for agricultural, upgrade, repair, or such electrical or mechanical permits which are deemed, by the Building Official, as exclusionary for a sewage disposal system. The foregoing exclusion shall not be applicable to any "food establishment" as that term is defined by Section 27520 of the Health and Safety Code. No building permit shall be issued, unless and until the Building Official is satisfied that the construction authorized by the approval will not violate any existing zoning ordinance.

12.24.045 Final inspection.

There shall be a final inspection by the county fire warden, or by Lassen County, if so directed, in accordance with section 9.16.080, to verify that the requirements of Chapter 9.16 (Fire Hazards) have been met. Said inspection may be conducted as part of the final inspection by the Building Official or as a separate inspection, at the discretion of the fire warden and the Building Official.

The county fire warden or his or her designee shall report his or her determination upon such inspection to the county Building Official within four working days of said inspection. Failure of the county fire warden to report upon such inspection within said time period may be deemed by the Building Official as a finding of compliance with the fire safe regulations, unless, within said four-working-day period, the fire warden notifies the Building Official of the existence of an emergency situation. Upon such notification, the period of time for the response by the fire warden shall be extended to fourteen working days.

12.24.050 Certificate of use and occupancy.

It is unlawful for any person, firm or corporation to use or occupy any building prior to issuance of a certificate of occupancy by the chief Building Official. The chief Building

Official shall not issue a certificate of occupancy until all required inspections have been made and passed and all required improvements have been completed satisfactorily.

12.24.070 Work commenced without permit.

- (a) When work that requires a building permit pursuant to this article or the California Building Standards Code (Title 24 of the California Code of Regulations) is initiated prior to securing the required building permit, the fee specified at Lassen County Code Section 3.18.090 shall be two times the normal fee. The penalty applicable to construction of or addition to a structure of any type is established in subsection (b) of this section and not by this subsection.
- (b) If the work that requires a building permit includes construction of or addition to a structure of any type, the fee specified at Section 3.18.090 shall remain two times the normal fee for structures between one hundred twenty and two hundred square feet. For structures between two hundred and one thousand square feet, the fee shall be four times the normal fee, and for structures over one thousand square feet, the fee specified in Section 3.18.090 shall be six times the normal fee.
- (c) Work performed without a permit by or under the control of a prior owner is not subject to the penalty described herein but any subsequent owner is required to secure a permit for any unpermitted work in a timely manner when ordered to do so by the Building Official.
- (d) The determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of the Lassen County Code.

12.24.075 Expiration.

- (a) Permits issued by the Building Official under the provisions of this chapter and the model codes adopted by the state of California shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if at any time said building or work is suspended or abandoned for a period of one year.
- (b) As used in this section, work shall be considered abandoned or not commenced if the project has not had one of the inspections required by this Title or the California Building Standards Code (Title 24 of the California Code of Regulations) approved within any twelve month period.
- (c) Before work can be recommenced under an expired permit, a reactivation fee of one half the amount required of a new permit for such work shall be paid, provided no alterations have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded two years. If any alterations have been or will be made or the suspension has been for two years or longer, the reactivation fee shall

be established by the valuation of construction as set forth in the provisions of this chapter applicable to new construction.

- (d) As an option, the Building Official may levy a permit reactivation fee as well as a fee for each inspection required to complete the project. This fee option may be assessed in instances where, in the building official's opinion, it would be unreasonable to require either the entire regular permit fee or half thereof.
- (e) Any applicant with an unexpired permit may apply to the Building Official for an extension of the one-year term limitation if the applicant is unable to commence or continue work within the one-year period. The Building Official may extend the term of an active permit for a period not to exceed one year upon written request by the applicant made prior to the expiration of the permit. No permit shall be extended more than once.

12.24.080 Computation of fees.

The total valuation used to compute fees shall be determined by the Building Official using building valuation data compiled by the International Code Council and updated every six months. Said valuation tables will remain on file with the Planning and Building Services Department and made available for public inspection upon request.

12.24.090 Exempt entities.

Under Article 5 of Division 2 of Title 5 (Section 53090 et seq.) of the California Government Code, most local agencies are required to comply with all applicable building ordinances and zoning ordinances of the county in which the territory of the local agency is situated. Government Code Section 6103 exempts state and political subdivisions from the payment of fees for the performance of official service.

SECTION SIXTEEN: Addition of Chapter 12.27 to the Lassen County Code to read as follows:

Chapter 12.27 Limited Density Owner-Built Rural Dwellings

12.27.010 Authority

This chapter 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.

12.27.020 Purpose and Findings

- (a) 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 Lassen County (as defined in Section 12.27.040, "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 chapter 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 chapter 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 the above referenced Article 8 and to make its provisions, as modified, operative because of the following local conditions:
- i. The citizens of Lassen County have expressed their desire to adopt regulations for the construction of limited-density owner-built rural dwellings.
 - ii. Whereas the City of Susanville is the only incorporated city in Lassen County and Lassen County is predominantly rural in nature.
 - iii. The principle land uses in most of Lassen County include forestry, timber production, agriculture, grazing, recreation, and conservation.
 - iv. Low cost housing is difficult to find in Lassen County and the adoption of regulations for limited-density owner-built dwellings will allow construction of such housing.
 - v. The California Building Standards Code (Title 24) is complex and is designed, in most cases, for high density areas of the state and its strict application may increase the price of construction such as to put it out of reach for many owner-builders.
 - vi. The adoption of regulations for limited-density owner-built rural dwellings will allow owner-builders to seek help from licensed contractors.

- vii. The California Department of Community Development has determined that the regulations for limited-density owner-built rural dwellings are protective of the health and safety of occupants.
- viii. The recent wildfires within Lassen County resulted in the loss of many dwellings and outbuildings in the rural areas. The majority of these structures 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 are adopted as a permanent ordinance to facilitate the availability of affordable, owner-built homes which are essential to the continued health and welfare of the residents of these rural communities.

- ix. 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 Lassen County building codes.
- x. Citizens within the rural zones of unincorporated Lassen County outside the municipal spheres of influence as approved by the Lassen Local Agency Formation Commission have expressed a desire to legalize the construction of limited density owner-built rural dwellings in compliance with this chapter, and have emphasized the values of affordability, sustainability, self-sufficiency, creativity and character of the rural communities.
- xi. A large portion of the unincorporated area of Lassen County 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).
- xii. Lassen County displays conditions appropriate to the adoption of the California Department of Housing and Community Development regulations for limited-density owner-built rural dwellings, codified at Article 8 (commencing with section 74) of Subchapter 1, of Chapter 1, of Title 25 of the California Code of Regulations.

12.27.030 Intent and Application

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of Limited Density Owner-Built

Rural Dwellings and/or appurtenant or non-habitable structures. It is the intent of this chapter 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.

12.27.040 Definitions

For the purposes of this section 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 chapter.
- (b) Neighborhood Residential Density. The parcel density (e.g. average parcel size) in the area immediately adjoining the parcel on which an owner-built rural dwelling is proposed. Neighborhood residential density is not defined by the individual parcel on which the owner-built rural-dwelling is proposed, but by the average parcel size for the 40 acre Section $\frac{1}{4}$, $\frac{1}{4}$ (or aliquot part) in which the subject parcel is located. If the subject parcel is located on more than one $\frac{1}{4}$, $\frac{1}{4}$ portion of a Section, the average density between the involved $\frac{1}{4}$, $\frac{1}{4}$ will be utilized.
- (c) 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.
- (d) Sale, Lease, or Rent. For the purposes of this chapter 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 (as defined in section 12.27.040).
- (e) Rural. For the purposes of this chapter only, "rural" shall mean legal parcels in unincorporated areas of the County that meet each of the following criteria:
 - i. For the purpose of this chapter, Rural zones of unincorporated Lassen County include the A-1 (General Agriculture District), A-2 (Agricultural Residential District), A-3 (Agriculture District), R-1 (Single Family

Residential District), R-2 Limited Multiple Family Residential District), R-3 (Multiple-Family Residential District), C-T (Town Service District), P.U.D. (Planned Unit Development District), P-C (Planned Community District), E-A (Exclusive Agriculture District), U-C (Upland Conservation District), U-C-2 (Upland Conservation Resource Management District), and any other District on which a residence has been or was legally established, provided all other requirements detailed in this section are satisfied.

- ii. A parcel created in compliance with the Lassen County Code.
 - iii. A parcel that has neighborhood residential density of at least two (2) acres.
 - iv. A parcel of sufficient size and configuration to fulfill the sewage disposal system setbacks to all property lines and all other setbacks established by law. This includes engineered systems and systems on parcels smaller than an acre in accordance with the requirements of this title.
- (f) 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.
- (g) 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 chapter, Chapter 10 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, currently called International Code Council or other code as adopted shall be the determining criteria for compliance with the standards of this chapter and the defining of a substandard building.
- (h) Sound Structural Condition. A structure shall be considered to be in "sound structural condition" when all portions of the structure are adequately constructed to resist expected gravity and lateral forces from wind and seismic forces. Building plans must provide sufficient detail to determine how gravity and lateral forces are distributed vertically and horizontally from their points of origin to the load resisting elements. Portions of the structures that are irregular in shape, complex design, or incorporate unusual building materials or practices may require design by a California registered design professional at the discretion of the Building official.
- (i) 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.

12.27.050 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. Said occupancy by the owner or the owner's family may be permanent or seasonal.
- (b) For the purposes of this chapter 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) Accessory dwelling units in conformance with Lassen County Code Section 18.108.270 and Section 65852.2 of the California Government Code 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 chapter 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 chapter.

12.27.060 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 Lassen County Code Chapter 1.18 (Public Nuisances). 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.

12.27.070 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 chapter. 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 chapter 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.

12.27.080 Interpretation

Interpretations by the Building Official as to the meaning, intent, or application of the provisions of this chapter 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 chapter.

12.27.090 Notice of Interpretation

The Department of Planning and Building 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.

12.27.100 Recording

No provision of this chapter 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 Planning and Building Services shall record a "Notice of Limited Allowed Use" as delineated in Section 12.27.105. This notice shall disclose:

- (a) The nature of the dwelling, appurtenant and/or non-habitable structures, and that the structure/s have been permitted under this chapter, 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.
- (b) That occupancy and/or use is limited to the owner and owner's family.

12.27.105 Notice of Limited Use

- (a) The Building Official may, in exercising his or her authority to determine the occupancy classification of a structure, the building code requirements applicable thereto and the uses allowed, in accordance with a Residential Accessory Building and Space-Use Matrix approved by the Director of the Department of Planning and Building Services, recommend the recordation of a notice or deed restriction specifying the allowed limited use of the structure.

- (b) If the Building Official recommends the recordation of such a notice or deed restriction, the Director of the Department of Planning and Building Services is authorized to require recordation of a notice or deed restriction specifying the allowed limited use of the structure, as a condition of the issuance of a ministerial building permit for construction or modification of the structure. The notice or deed restriction shall remain in effect until a change in use or character of use has been approved by the Building Official or a change in law has occurred, either of which change allows the uses otherwise restricted to be conducted. Under either circumstance allowing such change of use, the owner of the property in question shall be entitled to have the notice or deed restriction rescinded, and the Director of Planning and Building Services is authorized to sign a rescission of the notice or deed restriction, which rescission shall then be recorded.

12.27.110 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 the abatement procedures outlined in Chapter 1.18, entitled "Public Nuisances," should be the first remedy pursued by the Building Official.

12.27.120 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 clearly state that it is for a Title-25 Limited Density Owner-Built Rural Dwelling structure and shall be reviewed by the Department of Planning and Building Services, 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(s) will comply with the provisions of this chapter, the Department shall issue a permit to the applicant.

12.27.130 Exemptions

Permits shall not be required pursuant to Section 12.27.120 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. Examples of work exempt from permits include, but are not limited to, the exemptions listed in the current adopted California Residential Code.

12.27.140 Existing Buildings

- (a) A building permit shall be obtained pursuant to the provisions of this chapter for a Limited Density Owner-Built Rural Dwelling that was constructed or was partially constructed, without a building permit.
- (b) The applicant must be the owner of the dwelling or structure at the time of application and issuance of the permit.
- (c) The dwelling or structure shall meet all standards required by this chapter.
- (d) An inspection of the dwelling shall be made by the Lassen County Department of Planning and Building Services to determine that the requirements of this chapter have been substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the structure.

12.27.150 Application

To obtain a permit, the applicant shall first file an application therefor with the Department of Planning and Building Services. Permit applications shall contain the following information:

- (a) Name and mailing address of the applicant;
- (b) Address, assessor's parcel number, and location of the proposed structure(s);
- (c) A general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, plumbing fixtures, foundation, structural, and construction details;
- (d) 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 Lassen County Building Division "Site Plan Requirements" handout;
- (e) Approval for the installation of a private sewage disposal system or alternate waste disposal means from the Lassen County Department of Planning and Building Services, Environmental Health Division;
- (f) A stipulation by the applicant that the building or structure is to be owner-built;
- (g) The signature of the owner, contractor, or authorized agent;
- (h) The use or occupancy for which the work is intended; and
- (i) Any other data or information as may be required by statute or Lassen County Code.

12.27.160 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 Department of Planning and Building Services. 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. The engineering requirements detailed in Chapter 12.19, based on snow load, are applicable to structures built pursuant to this Chapter. For structures of complex design or unusual conditions for which the Department of Planning and Building Services cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s), the Building Official may require additional supporting information sufficient to make a judgment as to the integrity of the design.

12.27.170 Waiver of Plans

The Building Official may waive the submission of any plans or information 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 chapter.

12.27.180 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 is notified in writing of the intended modification.

12.27.190 Permit Validity

Permits shall be valid, for a minimum period of three (3) years, unless renewed as specified in Lassen County Code Chapter 12.24 (Building Permits).

12.27.200 Inspections

All construction or work for which a permit is required pursuant to this chapter 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 chapter. Other inspections may be required by the Lassen County Fire Warden, any applicable Fire Protection District or the Lassen County 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.

12.27.210 Special Inspections

Additional inspections may be conducted under the following circumstances: An inspection shall be conducted where there is a reasonable expectation that the foundation system will be subjected to excessive vertical or lateral movement due to site topography, expansive soils, or other 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.

12.27.220 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.

12.27.230 Supplemental/Additional 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 twenty-four (24) hours in advance of the intended inspection.

12.27.240 Final Approval of Occupancy/Use

After the structure(s) is completed for occupancy/use and any inspections which have been required by the Department of Planning and Building Services 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 chapter.

12.27.250 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 chapter 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.

12.27.260 Fees

Fees shall be required and collected by the Building Division to provide for the cost of administering the provisions of this chapter, and shall be as set forth in in Lassen County Code Section 3.18.090. It is the intent of this chapter that permit and inspection fee

schedules be established to reflect the actual inspection and administrative costs resulting from the application of this chapter.

12.27.270 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.

12.27.280 Intent of General Requirements

It shall be the purpose and intent of this chapter:

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 chapter, 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 chapter.

12.27.290 Technical Codes to be Basis of Approval

Except as otherwise required by this chapter, dwellings and appurtenant and/or non-habitable structures constructed pursuant to this chapter 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.

12.27.300 Fire Safety Regulations

A Limited Density Owner-Built Rural Dwelling permit application shall be reviewed by Lassen County Fire Warden for compliance with Public Resources Code sections 4290 and 4291, and Lassen County Code Chapter 9.16 (Fire Hazards).

All Limited Density Owner-Built Rural Dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Fire sprinklers shall be installed within all residential structures greater than two thousand (2,000) 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 NFPA 13D or current adopted California Residential Code.

12.27.310 Construction Requirements

- (a) Structural requirements. Buildings or structures constructed pursuant to this chapter may be of any type of construction which will provide for a sound structural condition. 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.
- (b) Foundations. Pier foundations, stone masonry footings and foundation systems, 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.
- (c) 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. Wall and floor framing shall not be enclosed when the framing members exceed nineteen percent (19%) moisture content as required by the most current adopted California Green Building Standards 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 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.
- (e) Room requirements. There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress.

12.27.320 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 Environmental Health Division.

The Environmental Health Division may approve alternative sanitary facilities, provided the Department 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 the Building Official.

12.27.330 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 applicable requirements contained in the most currently adopted version of the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

12.27.340 Electrical 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. Smoke and carbon monoxide alarms shall be installed per the most current adopted California Residential Code. If electrical wiring is not being installed, alarms may be battery operated and must contain ten-year batteries.

12.27.350 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. Smoke and carbon monoxide alarms shall be installed per the most current adopted California Residential Code. If electrical wiring is not being installed, alarms may be battery operated and must contain ten-year batteries.

12.27.360 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.

12.27.370 Plumbing Requirements

Ordinance Number: 2022-03

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.

SECTION SEVENTEEN: Findings. Pursuant to Health and Safety Code section 17958.2 and section 80 of Article 8 (Regulations for Limited Density Owner-Built Rural Dwellings) of Title 25 of the California Code of Regulations, the Board of Supervisors expressly finds that the changes to said Article 8 are reasonably necessary because of local climatic, geological and topographical conditions, as specified in Section 16, section 12.27.020 (Findings) of this ordinance. The Board finds that the adoption of the modifications as set forth herein will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments made by this ordinance.

SECTION EIGHTEEN: CEQA. This Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to subsection 15061(b)(3) of the CEQA Guidelines based on the findings made in this ordinance and at the public hearing at which this ordinance was adopted.

SECTION NINETEEN This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

SECTION TWENTY: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The County Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.