

## CHAPTER 18.23

### REGULATIONS FOR LIMITED DENSITY RURAL DWELLINGS

#### Sec. 18.23.010 Authority.

This chapter is adopted in accordance with the provisions of Health and Safety Code Section 17958.2. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.020 Purpose.

The purpose of this chapter is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density rural dwellings and appurtenant structures. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.030 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 appurtenant structures. (*Ord. No. 3343, adopted 1981.*)

It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.033 Definition of Owner-Built.

(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, or rent or employee occupancy. (*Ord. No. 3343, adopted 1981.*)

(B) For the purposes of this article, the sale, lease, renting or employee occupancy of owner-built structures within one year of the issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting. (*Ord. No. 3343, adopted 1981.*)

(C) "Owner-Built" shall also mean constructed by a licensed contractor for occupancy by the person or persons owning the property at the time construction is commenced. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.040 Application to Buildings Existing on or after January 1, 1980.

(*Repealed by Ord. No. 3491, adopted 1984.*)

#### Sec. 18.23.050 Abatement of Substandard Buildings.

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner-occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.060 Recording.

Each time a permit is issued pursuant to this chapter, the Building Department shall record with the County Recorder a notice that a permit has been issued pursuant to the provisions of this chapter. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.070 Violations.

The critical concern in the promulgation of this chapter is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this Chapter, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.080 Permits.

Permits shall be required for the construction of rural dwellings and appurtenant structures. (*Ord. No. 3343, adopted 1981.*)

#### Sec. 18.23.090 Issuance.

The application, plans, and other data filed by an applicant for a permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this chapter. Where the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the agency shall issue a permit therefore to the applicant. (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.100 Application.**

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

- (1) name and mailing address of the applicant;
- (2) address and location of the proposed structures;
- (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 plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways;
- (5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency;
- (6) the signature of the owner or authorized agent;
- (7) the use or occupancy for which the work is intended;
- (8) and any other data or information as may be required by statute or regulation;
- (9) a stipulation by the applicant that the building or structure is to be owner-built, or built for the occupancy of the owner by a licensed contractor. (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.110 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 enforcing agency. This may include a simplified 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 enforcement agency cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s). (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.120 Waiver of Plans.**

The enforcement agency may waive the submission of any plans if the agency 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. (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.130 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 enforcement agency is notified in writing of the intended modification. (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.140 Permit Validity.**

Permits shall be valid, without renewal, for a maximum period of three years. (*Ord. No. 3343, adopted 1981; Ord. No. 3828 (part), adopted 1992.*)

### **Sec. 18.23.150 Inspections.**

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.160 Issuance of Inspections.**

An inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this Chapter. Structures of conventional or simple construction shall be inspected at a single inspection. (*Ord. No. 3343, adopted 1981.*)

### **Sec. 18.23.170 Special Inspections.**

Additional inspections may be conducted under the following circumstances:

An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions. If soils conditions constitute a potential structural problem, foundation and structure shall have engineering provided by a California licensed civil or structural engineer.

Additionally, inspections may be conducted where the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection. (*Ord. No 3343,*

*adopted 1981; Ord. No. 3828 (part), adopted 1992.)*

**Sec. 18.23.180 Inspection Waivers.**

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this chapter. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.190 Inspection Requests and Notice.**

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.200 Certificate of Occupancy.**

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this Chapter. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.210 Temporary Occupancy.**

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health, or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.220 Fees.**

Inspection fees shall be established by resolution of the Board of Supervisors to reflect the actual inspection and administrative costs resulting from the

administration of this Chapter. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.230 Detached Bedroom.**

A "detached bedroom" is a separate accessory structure without kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for one family, to be employed in conjunction with a main structure(s) which include kitchen and sanitation facilities. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.240 Greywater.**

"Greywater" shall include all domestic waste water obtained from the drainage of showers, bathtubs, kitchen sinks, laboratories, and laundry facilities, exclusive of water utilized for the transport and disposal of body eliminations. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.250 Limited Density Rural Dwelling.**

A "limited density rural dwelling" is any structure consisting of one or more habitable rooms, and not exceeding two and one-half stories, intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this chapter. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.260 Rural.**

For the purposes of this chapter only, "rural" shall mean those unincorporated areas of the County designated and zoned for one acre minimums or larger acre minimums. *(Ord. No. 3343, adopted 1981.)*

**Sec. 18.23.270 Sound Structural Condition.**

A structure shall be considered to be in sound structural condition when it is constructed and maintained in substantial conformance with accepted construction principles, technical codes, or performance criteria which provide minimum standards for the stressing of structural members; footing sizes when related to major load-bearing points; proper support of load-bearing members; nailing schedules where essential to general structural integrity; and provisions for adequate egress, ventilation, sanitation, and fire safety. Conditions which would not render a structure unsound are the minor deflections or elasticity of structural members, ceiling heights; size or

arrangement of rooms; heating, plumbing, and electrification requirements; alternative materials, appliances or facilities; or methods of construction. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.280 Substandard Building.**

A substandard building is a structure or portion thereof in which there exists any condition to an extent that endangers the life, limb, health, or safety of the occupants. Except as amended by the provisions of this chapter, Chapter 10 of the Uniform Housing Code, 1976 Edition, as published by ICBO, shall be the determining criteria for compliance with the standards of this Chapter and the defining of a substandard building. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.290 General Requirements.**

Each structure shall be constructed and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.300 Intent of General Requirements.**

It shall be the purpose and intent of this Chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this Chapter, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.310 Technical Codes to be a Basis of Approval.**

Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electric Code, 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 structures as are contained in the uniform technical codes. Such codes shall be a basis for approval. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.320 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 delineated by Section 1001(c), Uniform Housing Code (1976 Edition). (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.330 Foundations.**

Pier Foundations, stone masonry footings and foundations, pressure treated lumber, poles, or equivalent foundation materials or designs may be used, provided that the bearing is sufficient for the purpose intended. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.340 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 or shakes and shingles 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. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.350 Mechanical Requirements.**

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with the requirements of Chapter 37 of the Uniform Building Code (1976 Edition), Chapter 9 of the Uniform Mechanical Code (1976 Edition), and Chapter 12 of the Uniform Plumbing Code (1976 Edition). Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability. (Ord. No. 3343, adopted 1981.)

#### **Sec. 18.23.360 Heating Capacity.**

A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter, however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid fuel or solar heating

devices shall be deemed as complying with the requirements of this section. If non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards. (*Ord. No. 3343, adopted 1981.*)

#### **Sec. 18.23.370 Electrical Requirements.**

No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 18.23.380. (*Ord. No. 3343, adopted 1981.*)

#### **Sec. 18.23.380 Installation Requirements.**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the National Electrical Code adopted by the Commission for single family dwellings.

Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcement agency determines that electrical demands are expected to exceed the confinement and capacity of that room(s). In such instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection 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 enforcement agency 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. 3343, adopted 1981.*)

#### **Sec. 18.23.390 Room Requirements.**

There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress. In single family dwellings not exceeding two stories in height where, due to the location or to the surrounding terrain, emergency rescue from the exterior is not feasible, egress windows from sleeping spaces may be omitted when an additional doorway or an approved exit escape hatch is provided for egress from such rooms. The doorways provided shall open directly to the exterior of the building or shall open

onto corridors or passageways which lead to individual exterior exits. The corridors or passageways provided shall not cross nor shall they follow the same route in whole or in part to the building exterior. Approved exit escape hatches shall be installed in accordance with the terms of their approval. (*Ord. No. 3343, adopted 1981.*)

#### **Sec. 18.23.400 Sanitation Requirements.**

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the local health official, shall be provided to the dwelling sites. It shall not be required that such facilities be located within the dwelling. (*Ord. No. 3343, adopted 1981.*)

#### **Sec. 18.23.410 Plumbing Specifications.**

Where conventional plumbing, in all or in part, is installed within the structure, it shall be installed in accordance with the Uniform Plumbing Code (1976 Edition). Alternative materials and methods shall be permitted provided that the design complies with the intent of the Code, and that such alternatives shall perform to protect health and safety for the intended purpose. (*Ord. No. 3343, adopted 1981.*)

#### **Sec. 18.23.420 Sanitation Facilities.**

A water closet shall not be required when an alternate system is provided and has been approved by the local health official. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use and discharge. The design, use, and maintenance standards of such systems shall be the prerogative of the local health official and shall comply with the requirements of the Mendocino County Code.

A bathtub or shower and a lavatory, or alternate bathing and washing facility approved by the local health official, shall be provided to the dwelling site. (*Ord. No. 3343, adopted 1981.*)

#### **Sec. 18.23.430 Water Supply.**

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 source, there shall be a minimum reserve of 200 gallons of potable water available. Where water delivery is pressurized, piping shall

be installed in accordance with the provisions of this article. (*Ord. No. 3343, adopted 1981.*)

**Sec. 18.23.433 Connection to Water and Sewer.**

"Limited Density Rural Dwellings" which are instructed within an area for which public water or public sewer is provided, shall be connected to the public water system and/or the public sewer system which is available. (*Ord. No. 3343, adopted 1981.*)

**Sec. 18.23.440 Findings in Support of Adoption of Regulations for Limited Density Rural Dwellings.**

Pursuant to Health and Safety Code Section 17958.2, the Board of Supervisors has made the express finding that the adoption of the regulations for limited density rural dwellings and the modification of these regulations to apply to dwellings built by contractors for occupancy by owners of the property as well as owner-built dwellings is reasonably necessary because of local conditions based upon the following:

(1) The citizens of Mendocino County have, through their elected Board of Supervisors, expressed a desire to legalize the construction of limited density rural dwellings complying with the standards set forth in this chapter.

(2) Mendocino County is a rural coastal County located between approximately 39 degrees and 40 degrees north latitude. It has a moderate climate. It is not usually subject to severe snowstorms, windstorms or blizzards. Its mountainous terrain and lack of developed roads creates some degree of isolation for many parts of the County and some difficulty in the transportation of building materials and in obtaining skilled and expert assistance for the construction or rehabilitation of rural dwellings.

(3) It has been determined that the adoption of regulations for limited density rural dwellings will not constitute a danger to the health and safety of the citizens of Mendocino County as long as standards for electrical, mechanical and sanitation facilities are maintained.

(4) Mendocino County has a severe housing shortage. Low cost housing is especially hard to find in the County and the adoption of regulations for limited density rural dwellings will encourage the further construction of such dwellings.

(5) State law mandates the County of Mendocino to adopt a General Plan which makes adequate provisions for housing its citizens. The adoption of regulations for limited density rural dwellings is an

attempt by the County to achieve an acceptable housing inventory for its General Plan. State law further requires the County of Mendocino to provide shelter for those residents qualifying for general relief. The general welfare of the County requires the adoption of regulations for limited density rural dwellings so that all County residents may be housed.

(6) The Uniform Building Codes are complex and may be beyond the understanding of many owner-builders and home owners. Yet they allow the Building Department a great degree of flexibility in applying them giving rise to charges of lack of uniform application and that in fact virtually all structures in the County are in some degree in violation of the law. The geographical and topographical conditions of the County creates such isolation that it is difficult to conduct the necessary inspections to verify or refute this charge. Because the Uniform Building Codes are of such complexity that they are difficult to enforce under the geographical, topographical and climatic conditions of the County, common sense dictates that these codes be replaced by the regulations for limited density rural dwellings which provide a performance standard of evaluation.

(7) The amendment of these regulations to apply to homes built by a contractor for an owner will enable owner-builders to obtain the skilled help of licensed contractors to the benefit of themselves and the community.

(8) Based upon the above stated local conditions, the Mendocino County Board of Supervisors determines that the adoption of regulations for limited density rural dwellings and the amendment of these regulations to apply to dwellings built by contractors for occupancy by the property owners as well as owner-built dwellings is necessary so that County residents may be provided housing at a cost affordable to themselves and to the County of Mendocino. (*Ord. No. 3343, adopted 1981.*)

**Sec. 18.23.441 Findings and Support of Adoption of Ordinance providing for the application of Chapter 18.23 of the Mendocino County Code "Regulations for Limited Density Rural Dwellings" to buildings existing on or after January 1, 1980.**

(*Repealed by Ord. No. 3491, adopted 1984.*)