

The County of Placer

Chapter 15 BUILDING AND DEVELOPMENT

Article 15.26 AIR QUALITY IN THE MARTIS VALLEY

15.26.010 Purpose.

The Placer County board of supervisors finds that:

A. The particulate matter pollution in the Martis Valley and its environs at times exceeds health based ambient air quality standards; and

B. There are adverse health, economic and environmental effects that particulate matter have on residents and visitors of the Martis Valley

C. Key control strategies are (1) Limit emissions from solid fuel burning appliances and total emissions from residential units, such that emission limits from appliances should not exceed the emission requirements for an EPA-certified Phase II woodstove, and total emissions of PM10 from a residential unit should not exceed 7.5 grams per hour; (2) Facilitate the removal or replacement of non-certified woodstoves and fireplace inserts, thereby reducing PM10 and PM2.5 emissions from these gross-polluting appliances.

D. Accordingly, the Placer County board of supervisors finds that the health, safety, and general welfare of the residents of, persons employed in, and persons who frequent this portion of Placer County would be benefited by the regulation of emissions from solid fuel burning appliances; and by the removal of non-county approved appliances prior to the sale or transfer of real property that contains such appliances. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.020 Definitions.

This section provides definitions of terms and phrases used in this article that are technical or specialized, or that may not reflect common usage. If any of the definitions in this article conflict with definitions in other provisions of the Placer County Code, these definitions shall control for the purposes of this article. Other terms are as defined in other portions of the Placer County Code, and if none, under provisions of applicable state or federal law. The following terms, words and/or phrases shall have the meaning herein provided:

“EPA” means the United States Environmental Protection Agency.

“EPA Certified Appliance” means any wood or other solid fuel burning appliance utilized for space or water heating or cooking that meets the performance and emission standards set forth in Part 60, Title 40, Subpart AAA, Code of Federal Regulations. Phase I appliances must

meet the emission requirements of not more than 5.5 grams per hour of PM10 emissions for catalytic and 8.5 grams per hour for non-catalytic appliances. Phase II requirements are 4.1 and 7.5 grams per hour, respectively.

“Open Masonry Fireplace” means any solid fuel burning appliance primarily constructed on site of masonry products such as brick, stone, clay, or other pre-cast stone or concrete products.

“Martis Valley” means that geographical area defined as such in the Martis Valley Community Plan.

“Pellet Fueled Wood Heater” means any solid fuel burning appliance designed to heat the interior of a building that operates on pelletized wood and has an automatic feed.

“Permanently Inoperable” means modified in such a way that the appliance can no longer function as a solid fuel burning appliance or be easily re-modified to function as a solid fuel burning appliance. Conversion to gaseous or liquid fuels, such as natural gas, is permitted.

“Placer County Approved Solid Fuel Burning Appliance” means: (a) An open masonry fireplace constructed in accordance with these regulations applicable at the time of construction; (b) A zero-clearance fireplace constructed in accordance with these regulations applicable at the time of construction; (c) An open masonry fireplace that is physically incapable of burning solid fuel and burns natural or liquid propane gas as its fuel through a ceramic or otherwise non-combustible gas log that is permanently installed in the fireplace; (d) An EPA Certified Appliance, including appliances meeting the emission requirements for Phase I certification; (e) An appliance certified as meeting the emission requirements of the Oregon Department of Environmental Quality; (f) A pellet fueled wood heater; (g) A zero clearance fireplace that is not an EPA Certified Appliance and is approved for use by the San Luis Obispo air pollution control district as shown on their most current “List of APCD-Approved Wood Burning Devices”; and (h) A wood stove used for ornamental purposes that has been rendered permanently inoperable.

“Solid Fuel Burning Appliance, Heater, or Device” means any fireplace, fireplace insert, wood stove, wood heating device, or coal stove or structure that burns wood, coal, or any other nongaseous or no-liquid fuels, or any similar device burning any solid fuel for aesthetic, water heating, or space heating purposes. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.030 Installation of solid fuel burning appliances.

A. No solid fuel-burning appliance shall be installed within the Martis Valley unless the solid fuel burning appliance is:

1. An EPA certified appliance meeting the emission requirements for Phase II certification;

2. A pellet fueled wood heater;
3. An open masonry fireplace that is physically not capable of burning solid fuel and supplied with gas and fitted with artificial logs;
4. An open masonry fireplace located in a hotel/motel lobby or similar common area lobby or in the common area of a condominium project, or
5. A zero clearance fireplace that is not an EPA certified appliance and is approved for use by the San Luis Obispo air pollution control district as shown on their most current "List of APCD-Approved Wood Burning Devices".

B. There shall be no combination of solid fuel-burning appliances and/or pellet fueled wood heaters within a dwelling unit or within a business that will exceed 7.5 grams per hour of particulate matter emissions except for one fireplace located in a hotel/motel lobby or similar common area lobby. Notwithstanding the emission restrictions of this subsection, an existing solid fuel-burning appliance may be replaced with an EPA certified appliance meeting the emission requirements for Phase II certification.

C. Solid fuel-burning appliances shall not be the primary form of heat in any new construction.

D. A new or replacement solid fuel burning appliance, including previously used appliances, shall not be installed without first obtaining a building permit from the building department. All installations shall require an inspection and approval by the building department prior to operation.

E. It shall be unlawful for any person to sell, offer for sale, supply, or install for use in the Martis Valley a used solid fuel burning appliance which has been removed from its dwelling unit or commercial or industrial building unless the appliance has been rendered permanently inoperable or unless it is:

1. An EPA certified appliance meeting the emission requirements for Phase II certification;
or
2. A pellet fueled wood heater.

This regulation does not prohibit the sale of any solid fuel-burning appliance that is transferred as an appurtenance to a dwelling unit or commercial or industrial building in compliance with this article.

F. Verification of compliance may be certified by an individual certified by the Wood Heating Education and Research Foundation for the installation of solid fuel appliances, by

licensed contractors, by certified home inspectors, or by individuals who in the sole opinion of the building department possess equivalent certification. The compliance verification inspector of record shall verify in writing, on a form approved by the building department, that the appliance complies with the required emission standards and shall file that certification with the building department. Individuals seeking to verify compliance shall verify their qualifications with the building department before appliance certification will be accepted by Placer County. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.040 Burning of prohibited materials.

It shall be unlawful for any person to cause or allow any of the following materials to be burned in a solid fuel-burning appliance:

- A. Garbage;
- B. Treated wood;
- C. Plastic products;
- D. Rubber products;
- E. Waste petroleum;
- F. Paints and paint solvents;

G. Coal having sulfur content of more than 0.5 percent by weight as measured by ASTM Test Method D3177-84. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.050 Removal prior to sale or transfer of real property.

A. Prior to the completion or consummation of a sale or transfer of any real property on or after January 1, 2004, all existing solid fuel burning appliances that are not Placer County approved appliances shall be replaced, removed, or rendered permanently inoperable unless such sale or transfer is exempt from the requirements of this article.

B. It shall be unlawful for any person or other legal entity acting in the capacity of a seller, buyer, transferor, or transferee to complete or consummate a sale or transfer on or after January 1, 2004, which transfers real property located in the Martis Valley unless:

1. The real property has been issued a certificate of compliance for solid fuel burning appliances in accordance with this article;

2. The real property has been issued a certificate of exemption for solid fuel burning appliances in accordance with this article;

3. The sale or transfer of the real property is a foreclosure sale, a trustee's sale, or an involuntary transfer under a deed of trust; or

4. The sale or transfer of the real property is not subject to the documentary transfer tax.

C. The building department may, upon written request, grant an extension of time not exceeding six months after the sale or transfer of the real property for the buyer or transferee to comply with the requirements of this article if the primary source of heat for the house is/are non-county approved solid fuel burning appliances as determined by the building department. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.060 Certificates prior to sale or transfer.

Certificates shall be on a form approved by the building department. Prior to the sale or transfer of real property either a Certificate of Compliance or Certificate of Exemption shall be issued pursuant to this section:

A. Certificate of Compliance.

1. A qualified individual as designated in subsection 15.26.030(F) shall issue an inspection report only upon physical inspection of the real property. The inspection report shall identify all solid fuel burning appliances on the real property as defined by this article and shall state whether the appliance is a county approved appliance or a non-county approved appliance. The inspector's fees shall be paid by the seller, unless buyer and seller otherwise agree.

2. If the inspection reveals that there are no non-county approved appliances and the real property complies with the requirements of this article, the inspection report shall be submitted to the building department within five business days of the date of inspection. If the inspection report states that each solid fuel burning appliance is a county approved appliance, then the inspection report may be stamped approved by the building department. An inspection report stamped approved by the building department shall be considered a Certificate of Compliance, and each solid fuel burning appliance within the residence shall be Deemed certified for the purposes of compliance with this article.

3. No inspection report shall be accepted and stamped approved by the building department unless it states that each solid fuel-burning appliance is a county approved appliance.

4. A Certificate of Compliance issued pursuant to this article does not constitute a warranty or guarantee by the licensed inspector or the County of Placer, or its employees or

agents, that the solid fuel burning appliance meets any other standards of operation, efficiency, or safety.

B. Certificate of Exemption.

1. If real property is to be sold or transferred and meets one of the following requirements, a Request for Certificate of Exemption for Solid Fuel Burning Appliances, containing the notarized signatures of the seller and buyer or transferee and transferor of the real property attesting to the facts of the exemption, may be accepted in lieu of an inspection report.

a. There are no solid fuel burning appliances on the real property;

b. There are solid fuel burning appliances on the real property, but all appliances are open masonry fireplaces or zero-clearance fireplaces constructed in accordance with Placer County regulations applicable at the time of construction or burns natural or liquid propane gas as its fuel through a ceramic or otherwise non-combustible gas log that is permanently installed in the fireplace; or

c. A Certificate of Compliance for Solid Fuel Burning Appliances was previously issued to the real property in accordance with this article.

2. The seller and buyer or transferor and transferee shall submit the Request for Certificate of Exemption to the building department. If the Request for Certificate of Exemption is in order and if the building department has no knowledge or evidence that statements made in the Request for Certificate of Exemption may be false, then the request may be stamped approved by the building department. A Request for Exemption stamped approved by the building department shall be considered a Certificate of Exemption issued by the county.

C. Subsequent Transfers. On any subsequent sale or transfer, a new certificate shall be required. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.070 Fees.

Prior to the provision of services pursuant to this article, the Placer County building department shall charge and collect the following fees for services performed:

A minimum one-hour fee as prescribed in Section 15.04.050 of the Placer County Code, but not less than sixty dollars (\$60.00), shall be collected for processing a

Building Department Administrative Permit for issuance of an approved Certificate of Compliance or Exemption.

A minimum five-hour fee as prescribed in Section 15.04.050 of the Placer County Code, but not less than two hundred fifty dollars (\$250.00), shall be collected for processing a Request for Extension of Time. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.26.080 Violations.

Any person who violates any of the requirements of this article, or who falsely attests as to information as part of compliance with this article, is subject to the penalties and punishments as set forth in this Placer County Code and/or any other applicable provisions of state or federal law, and may have any license, permit or certificate issued by the building department pursuant to this article revoked. (Ord. 5255-B (Exh. 1-A)(part), 2003)

15.24.070 Tahoe building permit allocation program.

A. The following rules shall govern the Tahoe building permit allocation program (the “allocation program”).

1. In order to defray the administrative costs for conducting the allocation program, a fee of two hundred fifty-five dollars (\$255.00) is required of each allocation applicant to the Placer County building department at the time of submittal. This fee may be submitted at the Tahoe city office, when submitting for the plan check. (TRPA mitigation fees charged for each allocation are also required.)

2.a. Applications will be accepted at eight a.m. on the first Monday after January 1st of each year commencing at eight a.m. In the event the first Monday is a legal holiday, the applications will be accepted commencing at eight a.m. on the next county business day. Applications will be accepted for five business days. In order to qualify for an allocation, applicants shall be required to submit a plot plan showing coverage and topographical lines, elevation plans, floor plans, to the building department, Tahoe city office. The plans submitted should reflect a project that is seriously intended for construction.

b. In order to qualify for an allocation, the property for which an application is submitted must be one which meets all criteria of Placer County and the TRPA as a “buildable” site. Applications may not be filed on unbuildable sites and then transferred to another location under this program. Similarly, to be considered eligible the plans must be consistent with all applicable county requirements including height, setbacks, etc.

c. If plans are submitted that do not comply in any aspect with county planning requirements, such as height or setbacks, the applicant will be notified of the deficiencies. The applicant will still be eligible for the lottery. If the applicant is chosen for the lottery the applicant will need to comply with subsection (A)(3)(b) of this section.

3.a. Should Placer County receive fewer applications than allocations for that year, applicants will be advised to submit a complete building permit application to the Tahoe city office within one hundred fifty (150) days. Once the complete application is made the applicant will receive an allocation. If a complete application is not submitted within one hundred fifty (150) days, the allocation will go to the next qualified person in the waiting line.

b. Should Placer County receive more applications than there are allocations for that year, a drawing will be held on the third Monday of January at ten a.m.. Those drawn for an allocation will have one hundred fifty (150) days to submit a complete building permit application. If a complete application is not received within one hundred fifty (150) days, the allocation will be awarded to the next qualified applicant in the waiting line.

c. All numbers drawn in excess of the county’s assigned number of allocations from the drawing for that year will be put on an official waiting list. The waiting list shall be void after December 31st of that year.

d. After plan check application has been made, the plan check shall remain active for a period of six months, with one additional six-month extension, available beyond that time. If the building permit has not been obtained after the conclusion of the full twelve (12) month time period, the plan check and the allocation reservation shall expire and the allocation shall become available to the next fully qualified applicant, when permitted by TRPA.

e. This program shall remain in effect until five p.m., December 31st of each year, After that time, no new application submittal shall be accepted for that year's program. Any unused allocations shall be carried over into the following year's program, when authorized by TRPA.

B. The following administrative procedures shall apply to the allocation program.

1. Public Notification.

a. Public notification for implementing the allocation program for each year will occur after TRPA indicates the number of allocations available for Placer County for that year.

b. Public notification will be by publishing notice in not less than one Bay Area newspaper, one Sacramento Area newspaper, and one Tahoe Area newspaper, at least fifteen (15) days prior to the date of acceptance of applications.

c. Should TRPA fail to designate allocations in time to meet the time frames of the present ordinance, staff will propose a revised time frame for the acceptance of applications and the subsequent drawing to the board of supervisors for approval.

2. Drawing.

a. The drawing will be held at the Tahoe City Community Center. Until the drawing, the Tahoe office supervising building inspector, or such employee as designated by the department head, will act as custodian for the applications.

b. The presence of a Placer County sheriff's deputy will be requested for the drawing.

c. The parcel number for each submittal will be placed in a drum that is able to turn in order to mix the numbers. The numbers will be selected by Placer County's District 5 field deputy, or as designated by the department head. Each number will be recorded on paper, under the supervision of the Tahoe office supervising building inspector or as designated by the department head. Once the number of cards has been pulled for the allocations that Placer County is to receive, a second list will be started to establish the waiting list. The Tahoe office supervising building inspector, or an employee as designated by the department head, will maintain custody of both lists. The lists are public information and will be posted in the building department office at Tahoe city.

d. After the completion of the drawing, the owners selected will be notified by mail that they have one hundred fifty (150) days to submit for a plan check with the Placer County building department. After it has been determined that the plan check is valid an allocation will be given to the applicant when the applicant pays the plan check fee and the allocation fee.

e. If a drawn applicant does not submit a complete building permit/plan check application by within one hundred fifty (150) days of the drawing, the allocation will be awarded to the next qualified applicant on the waiting list.

3. Plan Submittal. The following plans will need to be submitted for the lottery:

a. A site plan minimum size eighteen (18) inches by twenty-four (24) inches on blackline or blue-line print paper showing the following:

- i. All property lines;
- ii. Map scale and north arrow;
- iii. Assessor's parcel number;
- iv. Property owner's name;
- v. Parcel owner's name;
- vi. Topographic contour lines at two-foot intervals;
- vii. Land capability district boundaries (if applicable);
- viii. Stream environment zone boundaries (if applicable);
- ix. High and low water line boundaries (if applicable);
- x. Backshore boundary (if applicable);
- xi. Trees greater than six inches in diameter. Indicate trees to be removed.;
- xii. Rock outcroppings;
- xiii. Location and dimensions of existing and proposed structures;
- xiv. Driveway and driveway slope;
- xv. Edge of pavement at street;

- xvi. Identification of added or removed land coverage;
- xvii. Overhead coverage reductions;
- xviii. Finish topographic contour lines at two-foot intervals;
- xix. Location of easements;
- xx. Best management practices (temporary and permanent);
- xxi. Allowable land coverage by land capability district (or IPES determination if applicable);
- xxii. Existing land coverage calculations by land capability district;
- xxiii. Proposed land coverage calculations by land capability district;
- xxiv. Vicinity map.
- b. Building elevations showing:
 - i. Finish floor elevations with respect to contour elevations on the site plan;
 - ii. Elevation of the highest ridge with respect to contour elevations on the site plan;
 - iii. Lowest elevation of foundation wall at natural grade;
 - iv. Roof pitch of each roof plane;
 - v. Allowed and proposed height calculations;
 - vi. Drawing scale and view aspect.
- c. Floor plans showing:
 - i. Scaled dimensions;
 - ii. TRPA approved wood stove or fireplace (if applicable);
 - iii. All exterior entrances and exits. (Ord. 4993-B §§ 1, 2, 1999: prior code § 4.1212)