

ATTACHMENT 2

**AMENDMENTS TO THE AOB ORDINANCE AND ADOPTION OF THE
TINY HOUSE BUILDING CODES**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTIONS 331.5-2, 331.5-3, 331.5-5, 331.5-6, 331.5-7, and 331.5-17 OF CHAPTER 1.5; AND SECTION 331-12 OF CHAPTER 1 OF DIVISION 3 OF TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO MODIFIED LIMITED DENSITY OWNER-BUILDER RURAL DWELLING REGULATIONS (FOR ALTERNATIVE OWNER BUILDERS)

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Sections 331.5-2, 331.5-3, 331.5-5, 331.5-6, 331.5-7, and 331.5-17 are hereby amended in Chapter 1.5 of Division 3 of Title III of the Humboldt County Code as shown on below:

331.5-2. PURPOSE AND INTENT.

The modifications contained in this chapter are intended to permit, under specified circumstances, the use of the ingenuity and preferences of individual builders of dwellings ~~intended for occupancy by the builder~~ in designated areas of Humboldt County, while at the same time maintaining minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the occupants of dwellings constructed pursuant to this chapter. It is further intended to allow the use of substitute materials and procedures and alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by these modifications.

In applying these modifications, the Chief Building Official shall have the authority to exercise reasonable judgment in determining compliance with all requirements of this chapter.

331.5-3. APPLICATION.

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built, owner-occupied dwellings, owner-built accessory dwelling units, and appurtenant structures in rural areas in Humboldt County. Such dwellings and appurtenant structures shall include seasonally or permanently occupied dwellings, hunting shelters, vacation homes, recreational shelters and detached bedrooms used solely by the owner of the dwelling except for owner-built accessory dwelling units which may be used by persons other than the owner of the dwelling.

331.5-5. DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the meanings given below:

(a) Accessory Dwelling Unit. For the purposes of this section, an Accessory Dwelling Unit is any structure consisting of one or more habitable rooms intended or designed for single family occupancy with all basic facilities for living and sleeping which is situated or is to be situated in a rural area to which the provisions of this chapter are applicable and which is accessory to an existing single family residence on the same property.

(a b) Detached bedroom. A separate accessory structure without kitchen or sanitation facilities, designed for and used primarily as a sleeping facility in conjunction with a main structure which includes kitchen and sanitation facilities.

~~(b c) Graywater. All domestic wastewater obtained from the drainage of showers, bathtubs, kitchen sinks, lavatories, and laundry facilities, exclusive of water utilized for the transport and disposal of body eliminations. As defined in HCC Title IV, Div. 1 611-2 “Graywater” means untreated wastewater that has not been contaminated by any toilet discharge; has not been affected by infectious, contaminated, or unhealthy bodily wastes; and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Graywater as defined above has the same meaning as “gray water,” “grey water,” and/or “greywater.”~~

(e d) Owner-occupied rural dwelling. Any structure consisting of one or more habitable rooms intended or designed for single family occupancy with all basic facilities for living and sleeping which is situated or is to be situated in a rural area to which the provisions of this chapter are applicable and which is owned by one or more members of the family occupying the structure.

~~(d e) Owner-built. A structure owned and constructed by any person of family who acts as the general contractor for, or as the provider of, all or the major part of the labor expended to build the structure and which is to be occupied as the principal residence of that person or family.~~

(e f) Rural or rural area. That part of Humboldt County which is outside boundaries of any incorporated city, a community services district, a sphere of influence as designated by the Humboldt County Local Agency Formation Commission (or a city planning area established pursuant to Section 65300 of the Government Code in the absence of a designated city sphere of influence), or outside of an urban limit line as designated in the Humboldt County Land Use Plans. “Rural” or “rural area”, for the purposes of this chapter, also includes any area which is within a community services district or sphere of influence which is located beyond the reason located beyond the reasonably projected availability of water or sewer services, and which is zoned to permit residential use either as a principal use or with a conditional use permit.

The written determination by a city or community services district as to whether or not community services will be available to any parcel in the foreseeable future, based upon reasonable projections, shall be used as the primary basis for deciding if land for which a permit is sought pursuant to this chapter is located beyond the reasonably projected availability of community services.

(f g) Sound structural condition. “Sound structural condition” means a structure in which:

- (1) Any plumbing, any fireplace, wood stove or other source of heat, and electrical wiring, which has been built in conformance with and conforms to the applicable codes and which has been and is maintained in a good condition so as to present no unreasonable risk of health and safety; and
- (2) The fireplace or chimney does not list or bulge and has not settled due to defective material or deterioration, and in which fireplaces and chimneys are of sufficient size to carry imposed loads with safety.

(g ~~h~~) Substandard building. A structure in which there exists any condition that abnormally endangers the life, limb, health, or safety of anyone within or outside of such structure.

331.5-6. PERMIT APPLICATIONS.

Permits shall be required for the construction or repair of owner-built, owner-occupied rural dwellings, owner-built accessory dwelling units, and appurtenant structures. Applications for a permit pursuant to this chapter shall be made to the Chief building Official. Permit applications shall contain the following information:

- (a) Name and mailing address of the applicant;
- (b) The location, Assessor's parcel number, and address (if known) of the site where the proposed structure is to be built;
- (c) A general description of the structure and the intended use (where applicable), mechanical installations with all clearances and venting procedures detailed, electrical installations, and fire safety details;
- (d) A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water source and water ways;
- (e) If the application being made pertains to a dwelling structure, application shall be made concurrently for approval by the County Department of Public Health of the installation of sewage or waste disposal facilities;
- (f) In the case of dwellings, a certification by the applicant that the dwelling is to be owner-built, ~~owner-occupied~~ and used only for residential purposes;
- (g) The plan provided for in Section 331.5-8 of this chapter;
- (h) Such other necessary data or information as may be required by the Chief Building Official to implement these regulations.

331.5-7. FREQUENCY OF PERMITS.

No more than one (1) building permit for initial construction of an owner- built, ~~owner-occupied~~ dwelling in a rural area shall be issued to the same person in any ~~five (5)~~ two year period.

331.5-17. CHANGES IN OCCUPANCY.

The occupancy of a structure constructed in accordance with a permit issued pursuant to this chapter by anyone other than the owner-builder of that structure constitutes a change in occupancy.

Upon a change in occupancy, no new occupancy of the structure shall occur until either:

- (a) Each new adult occupant files with the Chief Building Official a statement under penalty of perjury stating that he/she is occupying the structure with the knowledge and understanding

that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes and from which the occupant holds the County, its officers, employees and agents harmless. The occupant shall also agree, as a condition of the new occupancy permit, to abide by all applicable conditions of the building permit under which the structure was constructed; or

- (b) The building is brought into compliance with the provisions of Title 25, Article 10, of the California Administrative Code or the appropriate Uniform Building Code standard.

For the purposes of this section “occupancy” means actual physical occupation for the premises rather than a change in type of use as typically defined in uniform codes.

SECTION 2. Section 331-12 is hereby amended in Chapter 1 of Division 3 of Title III of the Humboldt County Code as shown below:

331-12. REGULATIONS FOR LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS.

- (a) Findings have been duly made by the Board of Supervisors that there are rural areas of Humboldt County, conditions appropriate for the application of the provisions of Article 10 8 (commencing with Section ~~142~~ 74) of Subchapter 1 of Chapter 1, Title 25 of the California ~~Administrative Code~~ of Regulations which specify regulations for Limited Density Owner-Built Rural Dwellings. Accordingly, said regulations are hereby adopted by reference as part of this chapter with the same force and effect as if set out in full herein.
- (b) Modifications to regulations contained in Article ~~10~~ 8 referred to in subsection (a) have been included in this Code in Chapter 1.5 of Division 3 of Title III, beginning with Section 331.5-1.
- (c) For purposes of this section the words “rural” or “rural area” as used in Article ~~10~~ 8 shall have the meaning given in Sections 331.5-5(e) of this Code.
- (d) No more than one (1) building permit shall be issued under this section to the same person in any ~~five~~ (5) two - year period of time.

SECTION 3. TINY HOUSE ORDINANCE

331-11. Incorporation of Uniform Codes by Reference.

Each of the following compilations, except as modified hereinafter, are hereby designated and adopted by reference as a part of this chapter with the same force and effect as if they were set out in full herein:

- (a) California Building Code and Building Code Standards. (Ord. 2275, § 1, 05/28/2002)

...

- (m) Tiny Houses. 2019 California Building Standards Code Appendix Q, California Building Standards Commission (Ord. _____, § __, ___/___/2020)

- (~~n~~ o) For all of the above cited codes, it is intended that the references include all of their respective successor provisions. (Ord. 2275, § 1, 5/28/2002; Ordinance 2649, § 1, 09/01/2020)

SECTION 4. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED AND ADOPTED this _____ day of _____, 2020.

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors—

Chair of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
County of Humboldt
