

## SUPPLEMENTAL INFORMATION No. 1

For Planning Commission Agenda of:  
March 19, 2020

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Workshiop Item	{#F-1}
<input type="checkbox"/>	New Hearing Item	}
<input type="checkbox"/>	Old Business Item	}
<input type="checkbox"/>	New Business Item	}

Attached for the Planning Commission's record and review are the following supplementary information items:

1. Revised Draft Accessory Dwelling Unit (ADU) Ordinance, March 10, 2020, changing code section numbers; making minor corrections; and incorporating revisions to the moveable tiny house definition.
2. Revised AOB code, HCC 331.5, updating definition of graywater to be consistent with Title IV, Div. 1, HCC Section 611-2.

**ORDINANCE NO.** \_\_\_\_\_

***DRAFT***

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY CODE, REGULATIONS OUTSIDE THE COASTAL ZONE, RELATING TO REGULATION OF ACCESSORY DWELLING UNITS.**

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

**SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.**

Title III, Division 1 of the Humboldt County Code, Chapter 4, Inland Zoning Regulations, is hereby amended to be consistent with California Government Code Section 68582.2, and to implement measure H-IM41 of the 2019 Humboldt County Housing Element and other related policies and measures. The ordinance repeals section 314-87.1, and adds section 314- 69.05; amends section 314-22; section 314-109; section 314-136; section 314-145; section 314-148; section 314-154; section 314-155; section 314-163; and section 314-177 of Chapter 4, Inland Code; and amends associated zoning regulation tables in Section A, Part 1, Principal Zoning Districts relating to Accessory Dwelling Units.

**SECTION 2. ACCESSORY DWELLING UNIT ORDINANCE**

Subdivision 314-87.1 regarding Secondary Dwelling Units in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby repealed and replaced as follows:

**314-69.05 ACCESSORY DWELLING UNITS**

**69.05.1 Purpose and Findings.**

The provisions of this chapter are intended to set forth standards, in accordance with state law, for creation or conversion of at least one Accessory Dwelling Unit (ADU) per lot zoned to allow single family or multifamily use. In addition, this ordinance allows a Tiny House or Moveable Tiny House as defined in sections 314-155 and 314-148 as an ADU when developed consistent with this section. An ADU does not exceed the allowable density for the lot on which it is located.

**69.05.2 Accessory Dwelling Units Generally Permitted.**

Accessory dwelling units may be principally permitted in any zone that allows single family or multifamily dwelling residential use and includes a proposed or existing dwelling, if the General Provisions in 69.05.3 are met, and the ADU meets the Development Regulations and Standards of section 69.05.4.

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ADUs may be excluded or may require a Special Permit in certain designated areas (ADU Special Permit Area) as described in section 69.05.1.6, based on adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Outside the ADU Special Permit Area, an ADU that cannot meet all the criteria in subsection 69.05.1.4 may still be permitted with a Special Permit under certain circumstances.

The county shall act on a complete building permit application for an accessory dwelling unit within 60 days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot.

No certificate of occupancy will be issued for an accessory dwelling unit constructed concurrently with a primary dwelling, before a certificate of occupancy is issued for the primary dwelling.

**69.05.3 General Provisions that Apply to All ADUs.**

The following provisions apply to all ADUs.

**69.05.3.1 One or more ADUs per lot.**

One or more ADUs are permitted per lot developed or proposed to be developed with a single-family or multifamily dwelling, except for AE lots forty (40) acres or larger in size, where an ADU unrestricted in size may be allowed in addition to a main residence. Configurations with more than one ADU are allowed in residential and mixed use zones, as described in section 69.05.1.3.8.

**69.05.3.2 Ownership.**

An ADU shall not be sold separately from the principal dwelling, except that Moveable Tiny Houses maybe be sold when removed from the lot.

**69.05.3.3 Renting Permitted.**

The ADU may, but need not be, rented.

**69.05.3.4 Short-term Lodging Prohibited.**

The ADU shall not be rented for periods of 30 days or less.

**69.05.3.5 Building Type.**

The ADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a Tiny House as defined in Section 314-155; a Moveable Tiny House as defined in Section 314-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code.

**69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.**

(a) A manufactured home that was sold new, was constructed not more than 10 years before the permit application date and was certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting requirements, and foundation or setup configurations as described in Section 81.1.1.3 of this Code. The following architectural requirements shall apply on residentially zoned parcels: roof overhang of not less than 6 inches for the entire exterior perimeter; roof of composition shingles, wood shingles or shakes or other materials compatible with the

majority of dwellings in the neighborhood; and exterior wall covering of natural or man-made materials of a non-reflective nature.

(b) A manufactured home that is not a new manufactured home is permitted as an ADU in a T – Manufactured Home Combining Zone if it meets the requirements of Section 35.1 of this Code, and may be permitted outside a T - Manufactured Home Combining Zone if it meets all the requirements of Section 81.1.1.3 of this Code.

**69.05.3.5.2 Tiny Houses and Moveable Tiny Houses as ADUs.**

A Tiny House as defined in Section 314-155 that meets all applicable building and development standards in this code is deemed a single-family dwelling and is allowed as an ADU. A Moveable Tiny House as defined in Section 314-148 that meets all applicable building and development standards in this Code, and meets the criteria in 69.05.3, is deemed a single-family dwelling and is allowed as an ADU.

**69.05.3.6 Sewer and Water Service.**

All new ADUs within Urban Service Areas shall connect to public wastewater systems. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply. “Urban Service Area” means an area within a community service district’s service area.

**69.05.3.7 Existing Single-Family Residence**

Where one single-family dwelling unit exists on a lot, a larger home may be constructed as the principal dwelling unit, and the existing unit treated as the ADU, provided all other development regulations and standards can be met for both units.

**69.05.3.8 ADU and Junior Accessory Dwelling Unit (JADU) Configurations Within Residential and Mixed Use Zones**

For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit contained within the footprint of a primary dwelling, as defined in Govt. Code section 65852.22. A building permit shall be ministerially approved for creation of any of the following, within a residential or mixed use zone:

**69.05.3.8.1 ADU or JADU Within Existing Single Family Structure**

One accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed footprint of an existing or proposed single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The ADU or JADU has separate exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, or by Fire Safe regulations if the site is within a State Responsibility Area for fire response.
- (iv) The JADU complies with the requirements of Section 65852.22.

**69.05.3.8.2 New Detached ADU**

One detached, newly constructed accessory dwelling unit with minimum four-foot side and rear yard setbacks is allowed on a lot with a proposed or existing single-family dwelling. In addition to the detached accessory dwelling unit, one JADU is also allowed on the lot, if the JADU is within an existing single family structure or accessory structure as described in subsection 69.05.5.3.8.1 and:

- (a) The JADU within the existing structure contains no more than 500 square feet of floor space; and
- (b) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet.

**69.05.3.8.3 ADUs in Existing Multifamily Structures**

Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may be allowed.

**69.05.3.8.4 Detached ADUs with Existing Multifamily Structures**

Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

**69.05.4. Development Regulations, Standards, and Applicable Codes.**

The following development regulations and standards shall apply to all ADUs:

**69.05.4.1 Utilities.**

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes and Uniform Plumbing Codes, except that:

**69.05.4.1.1 Connection and Capacity Fees**

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for water and sewer services as set forth in section 69.05.4.1.4, unless the accessory dwelling unit was constructed with a new single-family dwelling.

**69.05.4.1.2 Impact Fees.**

A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" as defined in subdivision (b) of Govt. Code Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

**69.05.4.1.3 No New Connections in Existing Structures**

No new or separate utility connection ~~is~~ shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single family residence or accessory structure and meets conditions in section 69.05.3.8.1 , unless the accessory dwelling unit was constructed with a new single family dwelling.

**69.05.4.1.4 New Detached Units.**

For an accessory dwelling unit that is not contained within the existing space of a single family residence or accessory structure or does not meet conditions in section 69.05.3.8.1 , a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Govt. Code section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either size or the number of plumbing fixtures, its size in square feet or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

**69.05.4.1.5 Districts Under Moratoria or Compliance Orders**

A water district, resort improvement district, or community service district that is under a Department of Drinking Water moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an ADU or JADU.

**69.05.4.2 Building Site.**

The building site for an ADU shall be shared in common with the proposed or existing primary residence. ADUs must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ or AE, the curtilage area for residences, ADUs, and associated residential accessory structures shall not exceed two acres per parcel and, where feasible, shall be located in the area of lowest agricultural productivity.

**69.05.4.3 Total Floor Area.**

The total floor area of a detached ADU shall not exceed 1200 square feet, and if there is an existing primary residence, the total floor area of an attached ADU shall not exceed fifty (50) percent of the area of the existing primary residence. The minimum floor area shall be 150 square feet. Floor area includes all enclosed habitable living space but excludes sheds, garages and storage areas.

**69.05.4.3.1 ADUs that exceed 1200 square feet may be permitted with a Special Permit.**

**69.05.4.4 Sprinklers**

Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence.

**69.05.4.5 Setbacks**

No setback shall be required for an ADU or a portion of an ADU, converted from an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions

as an existing structure. A setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

**69.05.4.6 Parking**

Each ADU requires one (1) parking space. These spaces may be provided in tandem on a driveway. Off street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

**69.05.4.6.1 Exceptions to Parking Standards.**

Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile walking distance of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, for ADUs less than 1,000 square feet in size, no parking shall be required.

**69.05.5 Moveable Tiny House as an ADU.**

In addition to the other provisions of this section, Movable Tiny Houses as defined in Section 314-148 used as ADUs shall comply with all of the following provisions:

**69.05.5.1 Skirting.**

The undercarriage (wheels, axles, tongue and hitch) must be hidden from view.

**69.05.5.2 Foundation or Pad**

**69.05.5.2.1 Foundation.**

If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing, or follow an alternative design certified by a licensed engineer.

**69.05.5.2.2 Paved or Alternate Pad.**

If the wheels are not removed, the parking area shall include bumper guards, curbs, or other installations adequate to prevent movement of the unit. The wheels and leveling or support jacks must sit on a paving surface compliant with either the following.

**69.05.5.2.2.1 Paving.**

A parking area for a moveable tiny house on wheels shall be paved with hard, durable asphaltic paving that has been mixed at a plant and is at least two inches thick after compaction, with Portland cement paving at least three inches thick, or an alternative as described below.

**69.05.5.2.2.2 Alternative Paving Materials.**

An alternative paving material is one of the following: porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, and restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids.) Alternative paving materials are permitted subject to all the following requirements:

- (a) Permeable interlocking concrete pavers and permeable pavers shall have a

minimum thickness of 80 mm (3.14 inches).

(b) Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.

**69.05.5.3 Mechanical equipment**

Mechanical equipment shall be incorporated into the structure and not located on the roof.

**69.05.5.4 Sprinklers**

Movable Tiny Houses are not required to have sprinklers but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.

**69.05.5.5 Applicable Codes**

Moveable Tiny Houses shall meet either the provisions of American National Standards Institute (ANSI) 119.5 or National Fire Protection Association (NFPA) 1192 standards, or the provisions of the California Building Code, including 2019 CA Residential Code Appendix Q Tiny Houses or other adopted alternatives, or both.

**69.05.5.6 Design standards.**

Movable Tiny Houses must comply with all requirements for Detached ADUs and shall have the following design elements:

- (a) Materials used as exterior wall covering shall be natural or man-made materials of a non-reflective nature;
- (b) Windows shall be at least double pane glass and labelled for building use, and shall include exterior trim;
- (c) Roofs shall have a minimum of a 1:12 pitch for greater than 50% of the roof area;
- (d) The unit shall be plumbed to allow connection to an approved means of sewage disposal, septic system, or waterless toilet. Within Urban Service Areas (community service districts), all Moveable Tiny Houses shall be connected to public wastewater systems.
- (e) A Moveable Tiny House need not be connected to a source of electrical power, but if it is, the installation shall be in accordance with the California Electrical Code, Part 3, Title 24, California Code of Regulations.

**69.05.6 ADU Special Permit Area.**

Lots located in the ADU Special Permit Area, as mapped, are presumed to have certain public safety conditions that may preclude construction of an ADU, so that an ADU in that area requires a Special Permit. These areas are:

- (a) Areas outside a Fire Protection District;
- (b) Areas within Airport Land Use Compatibility Zones A – C. ADU's shall not exceed the density limits of the applicable Airport Land Use Compatibility Zone;
- (c) Areas of active or historic landslides, or areas of potential liquefaction;
- (d) Areas subject to the 100-year flood hazards as mapped by the Federal Emergency Management Agency and tsunami hazards as shown on maps in the Local Coastal Plans;



- (e) Areas within the Jacoby Creek Community Plan. ADUs must comply with the 5 acre minimum density limits as provided in the Jacoby Creek Community Plan, Appendix C of the General Plan.

On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions above, an ADU may be allowed with a Special Permit if substantial evidence shows that the health and safety conditions for which it was included do not apply to that site, or can be successfully reduced or mitigated to less than significant levels.

**69.05.7 Wildland Fire Safety**

All ADU’s shall comply with the County’s Fire Safe Regulations.

**Alternative 1**

**69.05.7 Wildland Fire Safety**

All ADU’s shall comply with the County’s Fire Safe Regulations. **Exceptions to the Fire Safe Regulations shall not be allowed for ADU’s.**

**69.05.8 Delayed Enforcement of Building Code Violations**

Any owner of an existing ADU built before the effective date of this ordinance, who receives notice of a building code violation, may request a delay in enforcement for five years. The Chief Building Official must grant the delay if the correction is not required to protect health and safety.

**69.05.9 Accessory Dwelling Units Allowed With Alternative Owner Builder Residence.**

An accessory dwelling unit may be permitted under the Alternative Owner Builder code, Chapter 1.5, section 331.5 of Humboldt County Code in rural areas outside a community service district boundary, provided that all the requirements of this code and of the Alternative Owner Builder Code are met, including that:

- (a) An inspection of the dwelling has been made by the appropriate county official(s); and
- (b) The Official(s) determine(s) that the requirements of the applicable County codes, including modifications, have been met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling; and
- (c) All other conditions applicable to accessory dwelling units have been met.

**SECTION 3. DEFINITIONS**

The following subdivisions of section 314 Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 4 of the Humboldt County Code are added or amended to read as follows:

**314-136 DEFINITIONS (A)**

**Accessory Dwelling Unit:**

Accessory Dwelling Unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot where a single family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code; and a Tiny House or Moveable Tiny House as defined in this code. (See, Residential Use Types, Accessory Dwelling Unit, in Section D: Use Types; Tiny House, Section 155 Definitions (T); and Moveable Tiny House, Section 148 Definitions (M).

**314-154 DEFINITIONS (S)**

Delete current definition, “secondary dwelling unit”.

**314-155 DEFINITIONS (T)**

Tiny House. A structure intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that:

1. Is built or installed on a permanent foundation or anchored with a foundation system meeting State approved requirements for manufactured housing or is designed by a licensed architect or engineer to meet those requirements;
2. Is no larger than 400 square feet;
3. Has at least 120 square feet of first floor interior living space;
4. Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

**314-148 DEFINITIONS (M)**

Moveable Tiny House. A structure no larger than 400 square feet intended for separate, independent living quarters, designed and built as a permanent, year-round residence for one household that meets these six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets ~~ANSI 119.2~~ National Fire Protection Association (NFPA) 1192 RV standards, or if certified after January 1, 2021, meets American National Standards Institute (ANSI) 119.5 Park Model standards. Certification must be made by a qualified third-party inspector accredited through American Society for Testing and Materials.

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- 2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power;
- 3. Is no larger than allowed by California State Law for movement on public highways;
- 4. Has at least 120 square feet of first floor interior living space;
- 5. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation; and
- 6. Substantially complies with local building, health, and safety codes as set forth in Sections 69.05.5 to 69.05.5.6 of this code, so as to qualify as a permanent dwelling.

**SECTION 4. OTHER ZONING ORDINANCE CHANGES**

**Short summary for sections below:**

Replace “Second Unit” with Accessory Dwelling Unit throughout.

Update Use Classifications

Update Use Type Definitions

Update Use Tables

**314-163 LISTING OF USE CLASSIFICATIONS**

**163.1.8 Residential Use Types**

Guest House (allowed in RA)

Manufactured Home Park (prohibited in F)

Residential Uses Subordinate to the Permitted Use (allowed in C-3)

Accessory Dwelling Unit (allowed in areas zoned for single-family and multifamily use)

Single-family Residence (allowed in RA)

**314-22.2.3 Specific Determination of Greenway and Open Space Boundary**

**22.2.4.3 Other Provisions for Greenway Bench Development.**

22.2.4.3.4 No Accessory Dwelling Units shall be allowed within a determined greenway bench area.

**314-22.2.5 Density Bonus**

22.2.5.1.4 Accessory Dwelling Units shall not be allowed on parcels created by these provisions.

**314-109.1 OFF-STREET PARKING**

**109.1.3 Parking Spaces Required.**

The number of off-street parking spaces required shall not be less than specified in this Section:

109.1.3.1 Residential Uses.

109.1.3.1.1 One-Family and Two-Family Dwellings.

109.1.3.1.1.1 Spaces Required, Setback

One (1) parking space is required for each dwelling unit containing one (1) bedroom or less; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall not be sited in the front-yard setback. The following exception applies to Accessory Dwelling Units:

~~109.1.3.1.1.1.1 Housing Opportunity Zone Exceptions.~~

~~Within mapped Housing Opportunity Zones, the parking required in 109.1.3.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Also, one half (1/2) of the required parking spaces, or one (1) required parking space, whichever is greater, may be located within the front yard setback.~~

109.1.3.1.1.1.2 Accessory Dwelling Unit Exception

One (1) parking space for each accessory dwelling unit. These spaces may be provided in tandem on a driveway. Off-street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

109.1.3.1.1.1.2 Parking Standards Waived for Certain ADUs

Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, ADUs less than 1,000 square feet in size, no parking shall be required.

**314-177 RESIDENTIAL USE TYPES**

**177.5 Accessory Dwelling Unit (Second Residential Unit).**

The Accessory Dwelling Unit ~~Second Residential Unit~~ Use Type refers to a fully equipped dwelling unit which is located on the same lot as a planned or existing principal dwelling unit for occupancy by individuals or a household. (See, Section 314-87.1, Accessory Dwelling Units.)

**SECTION 6: GENERAL PLAN AND COMMUNITY PLAN CHANGES**

Delete references to “secondary dwelling units” and replace with “accessory dwelling units.”

**SECTION 7: BUILDING CODE CHANGES**

Modify Alternative Owner Builder regulations to allow construction of ADUs; adopt Appendix Q Tiny Houses.

CHAPTER 1.5

MODIFIED LIMITED DENSITY  
OWNER-BUILT RURAL DWELLING REGULATIONS (FOR ALTERNATIVE OWNER BUILDERS)

331.5-1. GENERAL PROVISIONS.

On July 10, 1984, the Humboldt County Board of Supervisors, duly made findings that there are special local conditions within specified areas of Humboldt County where modifications and changes of the standard regulations for limited density owner-built rural dwellings are reasonably necessary because of local climatic, geographical or topographical conditions. The rural housing construction standards adopted by this chapter are modifications to the standard building regulations otherwise applicable in Humboldt County and are adopted pursuant to Section 17958.5 of the Health and Safety Code. (Ord. 1644, § 2, 7/10/84)

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. (Ord. 1644, § 2, 7/10/84)

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. (Ord. 1644, § 2, 7/10/84)

331.5-4. EXISTING BUILDINGS.

A building permit may be obtained pursuant to the provisions of this chapter for a dwelling that was constructed or was partially constructed before the effective date of these modifications, provided:

- (a) The applicant is the owner of the dwelling at the time of application for and issuance of the permit; and
- (b) The dwelling meets all standards required by this chapter; and
- (c) An inspection of the dwelling is made by the Chief Building Official and he/she determines that the requirements of this chapter have been

met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling. (Ord. 1644, § 2, 7/10/84)

### 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. 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." (from HCC Title IV, Div. 1 611-2)

(~~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.

(¶ 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.

(¶ 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. (Ord. 1644, § 2, 7/10/84)

### 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. (Ord. 1644, § 2, 7/10/84)

**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. (Ord. 1644, § 2, 7/10/84)

**331.5-8. PLANS.**

Each applicant for a building permit pursuant to the provisions of this chapter shall, at the time of making such application, submit a plan for the proposed structure. Such plans shall contain a general description of the structure and all necessary specific information to reasonably facilitate a determination by the Chief Building Official of conformance with all applicable codes, including the provisions of this chapter. The plans may include a simplified diagram of the single-item floor plan and site evaluation in order to determine the appropriate dimensions of structural members. (Ord. 1644, § 2, 7/10/84)

**331.5-9. WAIVER OF PLANS.**

The Chief Building Official may waive the submission of plans required under the provisions of Section 331.5-8 which he/she determines are not necessary to obtain compliance with this chapter, based upon the nature of the work for which application is made. (Ord. 1644, § 2, 7/10/94)

**331.5-10. PLAN MODIFICATION.**

Modifications to be design materials and methods of construction may be allowed provided that the building continues to conform to the provisions of this chapter and the Chief Building Official has approved the modification in writing. (Ord. 1644, § 2, 7/10/84)

**331.5-11. PERMIT ISSUANCE.**

When the Chief Building Official determines that the planned work will comply with all applicable codes, including provisions of this chapter, the permit shall be deemed. (Ord. 1644, § 2, 7/10/84)

**331.5-12. PERMIT VALIDITY.**

Permits issued for initial construction of dwellings shall be valid, without renewal, for a period of five (5) successive years. Extension of a permit beyond five (5) years without payment of an additional fee may be approved by the Chief Building Official upon a supplemental application being filed with the Chief Building Official before expiration of the five (5) year term of validity. The application shall contain a statement of facts in support of the extension including an explanation of why the work was not completed within the five (5) year period. If the Chief Building Official determines that there is sufficient reason for the construction not having been completed by the applicant during the five (5) year period, he shall issue an extension of the permit for an appropriate period within which the work can be completed, but in no event to exceed one (1) year for an extension. Application may be made for additional extensions.

Permit extensions may not be granted if building requirements applicable to the permit have changed since issuance of the permit or any prior extension thereof to the extent that allowing the work without modification will present a danger to health and safety of occupants or persons around the premises unless:

- (a) The applicant agrees to comply with the new requirement, or



- (b) The project can be altered so as to avoid the additional requirements. (Ord. 1644, § 2, 7/10/84)

**331.5-13.**

**PERMIT REVIEW.**

(a) Basis of Approval. Pursuant to Section 218 of Title 26 of the California Administrative Code, except as otherwise provided by this chapter, dwellings and appurtenant structures constructed in compliance with this chapter need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes.

(b) 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, Chapter 9 of the Uniform Mechanical Code, and Chapter 12 of the Uniform Plumbing Code. Alternate materials and methods of venting shall be permitted if substantially equivalent in safety and durability.

(c) Heating Capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter. The use of solid fuel or solar heating devices shall be deemed to comply with the requirements of this section. If nonrenewable fuel is used in the dwelling, rooms so heated shall meet current insulation standards.

(d) 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 this subsection.

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

In structures where electrical usage is to be 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 Chief Building Official determines that electrical demands are reasonable expected to exceed the wiring capacity of the area that is to be wired. In such instances, the Chief Building Official may require such further electrification of the structure as may be necessary to meet the excess anticipated demand.

The provisions of this subsection apply to buildings which include a workshop, kitchen, or other single room which may require electrification if there is no expectation of further electrical demand.

(e) Room Dimension Requirements. The only room dimension or other room requirements for a structure constructed pursuant to this chapter shall be as follows:

Bedrooms shall be equipped with either a door to the outside or an exterior window with 5.7 square feet of openable area for emergency exit. The window shall have a minimum width of 20 inches, a minimum height of 24 inches, and the window sill shall not be more than 44 inches above the bedroom floor.

(f) Sanitation Facilities. A bathtub or shower and a lavatory, or alternate bathing and washing facility shall be provided at the dwelling site.

A water closet shall not be required when an alternative system is provided and has been approved by the County Health Department. 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 County Health Department shall prepare regulations which shall specify:

(1) The type, design and number of sanitation and bathing and washing facilities to be provided at each dwelling site. Such facilities shall not be required to be placed within the dwelling; and

(2) The design, use and maintenance standards for greywater disposal and treatment systems.

(g) Plumbing Specifications. Where conventional plumbing, in all or in part, is installed within a dwelling, it shall be installed in accordance with the Uniform Plumbing Code. Alternative materials and methods shall be permitted if the design complies with the intent of such code, and such alternatives shall perform to protect health and safety for the intended purpose.

(h) Water Supply. Potable water shall be available at the dwelling site as required by Humboldt County Code § 331-11.5. However, such water need not be pressurized. There shall be a minimum reserve of fifty (50) gallons of potable water available. Where water delivery is pressurized, piping shall be installed in accordance with the provisions of this chapter.

In addition to the domestic water supply, a firefighting water supply of at least 2,500 gallons (pond, tank or equivalent) shall be maintained on the property. If access to the supply is by pipe, such pipe shall be at least 1-1/2 inches in diameter and shall have at least one hose outlet no less than fifty feet from the primary dwelling. If the water storage facility is below the fire equipment access level, then the firefighting equipment must be able to get within fifteen (15) feet of a water supply which is not piped to the primary dwelling.

(i) Fire Safety.

(1) Access. If a dwelling has access by road, such road should be wide enough for fire equipment, should provide turnouts long enough for fire equipment where the terrain permits, and should contain a turnaround space for fire equipment. This turnaround space may be part of the firebreak. The maximum load of any bridge on the access road should be determined, and this information should be posted and maintained at the bridge, by the occupant of the premises. Bridges should support at least a 20,000-pound load.

(2) Firebreaks. Flammable undergrowth shall be removed for thirty feet around each structure on the property or on the property line, whichever is nearer. However, single specimens of trees, ornamental shrubbery or ground cover plants which do not form a means of rapidly transmitting fire from the native growth to any structure may be maintained within the firebreak.

(3) Chimney Clearance. The portion of any tree which extends within ten (10) feet of the outlet or any chimney or stovepipe shall

be removed. Chimney clearances shall comply with the requirements as set forth in the Uniform Mechanical Code.

(4) Overhanging Deadwood. Dead or dying wood shall be removed from any tree adjacent to or overhanging any structure.

(5) Rooftop. The roof of any structure shall be maintained free of leaves, needles or other dead vegetable growth. (Ord. 1644, § 2, 7/10/84)

### **331.5-14. INSPECTIONS.**

All construction or work for which a permit is required under this chapter shall be subject to inspection by County inspectors. Structures of conventional or simple construction shall be inspected at a single inspection.

Additional inspections shall be conducted under the following circumstances: An inspection shall be conducted where there is reason to believe that the footing of the structure will be subjected to abnormal vertical or lateral movement due to unstable soil conditions; or in cases where interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is to be employed which would preclude examination at a single inspection. (Ord. 1644, § 2, 7/10/84)

### **331.5-15. INSPECTION REQUESTS AND NOTICES.**

It shall be the duty of the holder of a building permit issued under this chapter to notify the Building Official, Health Department, Fire District, or California Department of Forestry, as appropriate, that the construction is ready for inspection and to assure that the premises will be accessible at the time scheduled for inspection. Inspections shall be requested by the applicant at least forty-eight (48) hours in advance of the intended inspection. The inspector shall notify or inform the permit holder of the day during which the inspection is to be conducted and shall notify the permit holder if the inspection cannot be made as scheduled. (Ord. 1644, § 2, 7/10/84)

### **331.5-16. TEMPORARY OCCUPANCY.**

An owner-builder and his/her immediate family may use and occupy a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure if approved sanitary facilities are available and functioning at the site and if the work completed does not endanger life, health or safety. Neither the County nor any official or employee thereof shall be responsible for any injuries to anyone, occupants or otherwise, which are attributable to the unfinished structure. (Ord. 1644, § 2, 7/10/84)

### **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. (Ord. 1644, § 2, 7/10/84)

**331.5-18. FEES FOR PERMITS AND INSPECTION.**

(a) Any person required to obtain a building, plumbing, electrical, heating or comfort-cooling permit under this chapter, or a combination of any such permits, shall at the time of filing an application therefor pay to the Chief Building Official the fees set forth in the current resolution of the Board of Supervisors establishing fees for permits issued pursuant to this chapter.

(b) Where work is commenced after the effective date of these regulations and prior to obtaining a permit, a double fee shall be charged.

(c) The Chief Building Official may refund up to eighty (80%) of the permit fee subject to the following limitations:

(1) Fees allocable to plan checking are not refundable after that Building Department has commenced review of the plans;

(2) No work shall have commenced on the project for which such permit was issued;

(3) The permit must be canceled by the owner or holder, in writing, within sixty (60) days of the date of issuance; and

(4) No refund shall be made when the permit fee is Ten Dollars (\$10.00) or less. (Ord. 1644, § 2, 7/10/84)

**331.5-19. RECORDS.**

It shall be the duty of the Chief Building Official to keep a permanent record of all pertinent transactions under this chapter and to render a monthly report to the Board of Supervisors concerning such transactions. All fees collected by the Chief Building Official shall be turned over to the County Treasurer and placed in the general fund. The Chief Building Official shall transmit to the County Assessor copies of all applications for building permits and copies of all completion reports pertaining to building permits. (Ord. 1644, § 2, 7/10/84)

**331.5-20. LIABILITY.**

This chapter shall not be construed as imposing upon the County or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing, electrical, heating, or comfort-cooling work approved or performed hereunder. (Ord. 1644, § 2, 7/10/84)

**331.5-21.**

**VIOLATIONS CONSTITUTING A PUBLIC NUISANCE.**

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. Any failure, refusal or neglect to obtain a permit as required by this chapter shall be prima facie evidence that a public nuisance has been created in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipping, use, occupation or maintenance of a moved, improved, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter.

(Ord. 1644, § 2, 7/10/84)

**331.5-22.**

**PENAL PROVISIONS.**

(a) No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter or any order issued by the Chief Building Official or the Health Officer hereunder.

(b) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail of the County of Humboldt for not more than six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of the provisions is committed, continued or permitted by such person.

(c) The provisions of subsection (b) shall not apply to an owner of real property building or improving structures thereon of appurtenances thereto who does such work himself, provided that:

(1) Such structure or structures are not intended or offered for sale, lease or rent; and

(2) Such structure or structures are one-family dwellings, farm or ranch buildings, which are not more than two (2) stories in height.

In all actions, criminal or civil, brought under this chapter, proof of the sale, leasing or renting, or the offering for sale, lease or rent, of any such structure by the owner-builder within one (1) year after completion of sale if presumptive evidence that such structure was undertaken for purposes of sale, lease or rent. (Ord. 1644, § 2, 7/10/84)