



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Date: Meeting of July 23, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Public Hearing on the Draft Accessory Dwelling Unit (ADU) Ordinance**

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Please contact Mary Milner, at 707-268-3772 or mmilner1@co.humboldt.ca.us, if you have any questions about the ADU ordinance.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
July 23, 2020	Draft Accessory Dwelling Unit (ADU) Ordinance	Michael Richardson

Project Description: Secondary Dwelling Units are now considered Accessory Dwelling Units (ADUs). The State preempted local control of permitting ADUs with changes to state law in 2017 which nullified Humboldt County's second unit ordinance. More changes to state law in 2019 further relaxed the standards for development of ADUs. The proposed new ADU ordinance attempts to clarify the County's standards consistent with state law while incorporating public input as expressed in workshops and public meetings. The new ordinance proposes all the following:

1. Repeals Sections 314-87.1 and 313-87.1 regarding Secondary Dwelling Units;
2. Adds Sections 314-69.05 and 313-69.05 regarding Accessory Dwelling Units;
3. Amends Sections 314-22; 314-109; 314-136; 314-145; 314-148; 314-154; 314-155; 314-163; and 314-177 of Chapter 4 of the zoning code; and Sections 313-107; 313-109; 313-110; 313-136; 313-137; 313-148; 313-154; 313-155; 313-163; and 313-177 of Chapter 3, Coastal Zoning Code; and amends parts of the Humboldt Bay Area Plan, North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Eel River Plan, and South Coast Area Plan relating to Accessory Dwelling Units;
4. Amends parts of the General Plan text that reference "secondary dwelling units" to reflect instead "accessory dwelling units";
5. Changes Section 331.5 Modified Limited Density Owner-Builder Rural Dwelling Regulations (for Alternative Owner Builders, or AOB) to allow for ADUs accessory to AOB residences, and removes the requirement for owner occupancy in owner-built ADUs; and
6. Adopts part of Title 24 CCR, Appendix Q Tiny Houses as part of HCC Section 331-11 to address stairs, handrails, headroom, ladders, lofts, including guard and emergency escape and rescue openings in lofts of tiny houses built on foundations.

Project Location: All of the unincorporated areas of Humboldt County, including the Coastal Zone.

Present Plan Designations: All land use categories where residential uses are allowed.

Present Zoning: All zoning districts where residential uses are allowed.

Environmental Review: The proposed ordinance amendments are exempt from environmental review under in Section 15282 of the California Environmental Quality Act (Ordinances regarding second units).

State Appeal Status: This project is located in part within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (zoning ordinance provisions in 313-69.05 and other sections of Chapter 3) must receive final certification from the California Coastal Commission before they may become effective.

ACCESSORY DWELLING UNIT ORDINANCE

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the staff report.
3. Receive public testimony.
4. Deliberate and comment on the draft ADU ordinance and alternatives presented.
5. Take the following action:

"Based on evidence in the staff report and public testimony, make all the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and Section 15282(h) of the State CEQA Guidelines and adopt the proposed ADU ordinance (as modified by the Planning Commission) along with its related zoning code, General Plan and Coastal Plan amendments, and changes to the building code."

EXECUTIVE SUMMARY:

The Planning Commission reviewed the Inland and Coastal drafts of the Accessory Dwelling Unit Ordinance and the associated General Plan and Coastal Plan amendments and the proposed amendments to the Building Regulations in four virtual meetings on May 21st, June 4th, July 18th, and July 9th of 2020. Public comments were taken during each meeting. The Commission evaluated alternatives and made changes to the draft ADU ordinance as summarized in the following paragraphs.

Draft Inland Accessory Dwelling Unit Ordinance

69.05.2 (page 3 of draft). The following provision was omitted.

~~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.~~

69.05.3.4 (page 3 of the draft). Alternatives were considered that would soften the short-term rental prohibition for ADUs, by limiting the prohibition to 10 years, and by offering fee waivers in exchange for covenants for ten years. The alternates were rejected, and original language retained.

69.05.3.5.1 (page 3 of the draft). A repeated portion of HCC Section 81.1.1.3 pertaining to manufactured homes was replaced by a cross-reference, in anticipation of that section being amended.

69.05.3.6 (page 4 of the draft). This section, pertaining to Sewer and Water Service, was amended as follows for clarity in the case where sewer service is not available:

All new ADUs within Urban Service Areas shall connect to public wastewater systems if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. 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.~~

69.05.4 (page 6 of the draft). The Commission considered adding additional design standards, but

retained the current language instead.

69.05.4.1.5 (page 6 of the draft). A provision relating to drinking water was clarified as follows:

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 Accessory Dwelling Unit.

69.05.4.3.1 (page 6 of the draft). A provision for to allow ADUs larger than 1,200 square feet with a Special Permit was retained.

69.05.4.7 (page 7 of the draft). The following provision was added:

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

69.05.5.6(d) (page 8 of the draft). A design standard for Moveable Tiny Houses was amended as follows:

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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.~~

69.05.6(d) (page 8 of the draft). A provision to create a Special Permit Area for areas with inadequate water supply was struck.

~~(a) Areas of inadequate water supply as declared by district standards, or inadequate sewer service for existing planned uses;~~

69.05.6(g) (page 8 of the draft). The following Special Permit provision was struck:

~~(f) Within the Jacoby Creek area, ADUs must comply with the 5-acre minimum density limits as provided in the Jacoby Creek Community Plan, Appendix C of the General Plan.~~

Jacoby Creek Community Plan Review. In addition, the Commission recommended that the Board direct staff to update the Jacoby Creek Community Plan to refine the density limitations while also protecting water quality in the area.

69.05.6 Fire Safe Exceptions (page 8 of the draft). An alternative provision that would require all ADUs to comply with the County's Fire Safe Regulations, without exception, was abandoned due to a contrary provision in the Board of Forestry rule of June 12, 2020, "Emergency Fire Safe Regulations Applicability". The rule states that Fire Safe regulations do not apply to ADUs.

69.05.8 and 331.5 Alternative Owner-Builder Code. (Page 9 of the draft and Attachment 3). The Commission recommended the proposed amendments to the Alternative Owner-Builder Code as initially presented by staff.

Draft Coastal Accessory Dwelling Unit Ordinance

69.05.4.2 (page 7-8 of the Coastal draft). An alternative was considered that omitted the provision underlined below, recommended by the Coastal Commission. The omission was declined, leaving the

CC recommendation intact.

In areas zoned TPZ, TC, or AE, the curtilage area for residences, ADUs, associated residential structures, driveways, and utilities shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller.

69.05.4.12 (page 9 of the Coastal draft). The Commission accepted changes in the language related to agricultural lands, as reflected by strikeout and underline in the draft.

69.05.4.13 (page 9 of the Coastal draft). The following provision for Timberlands was added as recommended by the Coastal Commission.

69.05.4.13 Timberlands.

All development associated with accessory dwelling units shall be sited so as to minimize impacts to timber related activities.

69.05.6(c) (page 11 of the Coastal draft). Subpart (c) was amended as follows at the request of the Coastal Commission, and recommended by the Planning Commission:

(c) Areas of active or historic landslides; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.

313-136 Definitions (A) (page 14 of the Coastal draft). The following sentence was recommended as part of the definition of ADU by the Coastal Commission, and approved by the Planning Commission: An accessory dwelling unit is an accessory building for purposes of Categorical Exclusion Order E-86-4, Section I(a).

Amended language for parcels zoned AE, AEG, AEP, in all LCPs. (page 26 of the Coastal draft, for example, but applicable in all six Local Coastal Plans). The Commission reviewed and accepted amendments to the six LCPs that eliminates occupancy requirement for second agricultural dwellings, and for accessory dwelling units, as follows.

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

a. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

Amendments to 312-6, and 312-9 (pages 37 and 38 of the Coastal draft). The Commission reviewed and recommended amending Section 312-6 and table 312-9.2.4 to include procedures for CDPs where required for an accessory dwelling unit, as requested by the Coastal Commission. See 312-6.3, 312-9.2.4 and 9.2.6 in the draft for added text.

These changes are incorporated in the attachments to the staff report.

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 20-__

Accessory Dwelling Unit Ordinance, General Plan Amendment, Changes to Building Code

Makes the required findings for certifying compliance with the California Environmental Quality Act; recommends adoption by the Board of Supervisors of the Accessory Dwelling Unit Ordinance, a General Plan Amendment renaming Secondary Dwelling Units as Accessory Dwelling Units, and Amendments to Sections 331 and 331.5, Humboldt County Building Codes.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, changes to California Government Code Sections 65852.2 and 65852.22 in 2017 and 2019 superseded the County's Second Unit Ordinance, rendering it null and void; and

WHEREAS, under Government Code Section 65852.2 a local agency may, by ordinance, regulate the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use, provided its regulations are no more restrictive than set forth in that section; and

WHEREAS, Humboldt County initiated the zoning ordinance and building code changes herein to implement its General Plan Housing Element Update in 2019, which directs the County to develop an Accessory Dwelling Unit Ordinance as set forth in H-P29 and H-IM41; allow tiny houses and moveable tiny houses as residences as set forth in H-P30, H-IM30, H-IM38, and H-IM39; and support alternative owner- built residences as low-cost housing as set forth in H-P15; and

WHEREAS, the proposed coastal and inland regulations were developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and in accordance with recommendations of the California Coastal Commission; and

WHEREAS, the proposed ordinance and related code amendments may be approved if findings can be made that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; (3) amendments to the Local Coastal Plans are in conformity with the policies of the Coastal Act and approved Local Coastal Plans; and (4) the proposed changes do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the Accessory Dwelling Unit Ordinance and building code changes are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county; and

WHEREAS, pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the Coastal Accessory Dwelling Unit Ordinance is statutorily exempt; and Local Coastal Program Amendments are exempt subject to approval by the California Coastal

Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA); and

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning and building text; and

WHEREAS, a series of public hearings was held on the matter before the Humboldt County Planning Commission on May 21st, June 4th, July 18th, July 9th, and July 23rd of 2020, during which the Planning Commission reviewed, took public comments, and recommended changes to the drafts as enumerated in the draft ordinances attached to this staff report as revised by the Planning Commission at the meeting on July 23, 2020, the Addendum to Staff Report; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommends the Board of Supervisors direct the Planning Department to update the Jacoby Creek Community Plan to refine the residential density limitations while also protecting water quality in the area;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The proposed ordinance and amendments to the general plan and building code are in the public interest; and
2. The proposed ordinance and amendments to the general plan and building code are consistent with the General Plan; and
3. The proposed ordinance and amendments to the general plan and building code do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
4. The Planning Commission makes the findings in Exhibit A of this resolution, which is incorporated fully herein, based on the evidence provided.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 1 of this staff report and summarized as follows:
 - (a) Sets forth standards, in accordance with state law, for creation or conversion of Accessory Dwelling Units (ADUs) on lots zoned to allow single family or multifamily use; and allows a Tiny House or Moveable Tiny House, as defined, to be used as an ADU.
3. Adopt the ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report and summarized as follows:
 - (a) Sets forth standards for the Coastal Zone, in accordance with state law, for creation or conversion of Accessory Dwelling Units (ADUs) on lots zoned to allow single family or multifamily use; and allows a Tiny House or Moveable Tiny House, as defined, to be used as an ADU.

4. Adopt the associated General Plan and Coastal Plan Amendments as shown in Attachments 1 and 2 of this staff report.
5. Adopt the ordinances amending Sections 331 and 331.5 of the Building Codes as set forth in Attachments 3 and 4 of this staff report.
6. Direct Planning staff to submit the Coastal Zoning Ordinance and amendments to the Coastal Plans to the Coastal Commission for certification.
7. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on _____, 2020. The motion was made by Commissioner _____ and second by Commissioner _____ and the following vote:

AYES:

NOES:

ABSTAIN:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

Exhibit A – Required Findings of Approval

A. Required Findings for General Plan Amendments

In accordance with State Planning and Zoning Law (Government Code Section 65000 et seq.) and the General Plan of Humboldt County, a general plan amendment may be approved upon making the following findings:

- (1) The amendment is in the public interest, and one or more of the following applies:
 - a. Base information or physical conditions have changed; or
 - b. Community values and assumptions have changed; or
 - c. There is an error in the plan; or
 - d. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. Required Findings for Amendments to the Zoning Regulations

State Planning and Zoning Law (Government Code Section 65000 et seq.), and Section 312-50 of the Humboldt County Code (HCC) state the following findings must be made to approve changes in the Zoning Maps and Regulations:

- (2) The proposed amendment is in the public interest;
- (3) The proposed amendment is consistent with the General Plan;
- (4) The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

C. Required Findings for Consistency with the Coastal Act

Amendments to Local Coastal Plans must conform with the Coastal Act. Title 14, Section 13551 of the Coastal Commission's Administrative Regulations, Public Resources Code, Section 30200.

- (5) Section 312-50.3.3 HCC requires proposed amendments to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)

Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)

Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)

Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)

Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

D. California Environmental Quality Act (CEQA)

The proposed Inland and Coastal Ordinances are exempt from environmental review under in Section 15282 of the California Environmental Quality Act (Ordinances regarding second units), as detailed in the Evidence section below.

Evidence Supporting the Required Findings

A. Findings for General Plan Amendment:

The following table identifies the evidence which supports finding that the proposed General Plan amendments are in the public interest, and based on changed conditions.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
1. Public Interest Humboldt County General Plan Section 3.3	The proposed General Plan Amendment is in the public interest.
Evidence Supporting Finding 1. The purpose of this project is to ensure consistency of terminology between the General Plan the Zoning Regulations. The proposed project amends the Zoning Regulations to add an Accessory Dwelling Unit Ordinance. Prior versions referred to Accessory Dwelling Units as Secondary Dwelling Units, or Second Units. For the sake of consistency, references in the General Plan to Secondary Dwelling Units or Second Units are amended to Accessory Dwelling Units. Eliminating multiple terms for the same object, and removing confusing terminology promotes better understanding of the regulations, and is therefore in the public interest.	
Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
1a. Changed conditions Humboldt County General Plan G-P8. Base information or physical conditions have changed	The proposed General Plan Amendment responds to a change in state law and terminology usage. Conforms to adoption of a corresponding ordinance.
Evidence Supporting Finding 1a. Changes to State housing law, Gov. Code Secs. 65852.2 and 65852.22, in 2017 and 2019, regulate Accessory Dwelling Units, formerly designated in Humboldt County Code as "Secondary Dwelling Units". The proposed General Plan Amendment harmonizes language in accordance with that change.	

B. Findings for Zoning Ordinance Amendment:

The following table identifies evidence which supports finding that the proposed zoning ordinance is in the public interest, is consistent with the General Plan, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
2. Public Interest §312-50 of Humboldt County Code	The proposed Accessory Dwelling Unit Ordinance is in the public interest.
Evidence Supporting Finding 2. The proposed ordinance would allow ADUs without discretionary review in all areas zoned to allow single family or multifamily use, and would further relax development standards to facilitate low-cost housing. Given the findings of the legislature that (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government; the proposed ordinance advances these goals, and is therefore in the public interest.	
Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
3. General Plan Consistency §312-50 of Humboldt County Code	The proposed ordinance must be consistent with the General Plan. Applicable policies and measures of the 2019 Housing Element, Chapter 8 of the General Plan include: H-IM41 Comply with state housing law; H-P29 Relax ADU development standards; H-P30, H-P31, H-IM38 and H-IM39 Encourage Tiny Houses and Moveable Tiny Houses as lower income housing; and H-P15 Support Alternative Owner Builder dwellings in rural areas.
Evidence Supporting Finding 3. The Accessory Dwelling Unit Ordinance implements the 2019 Housing Element. The proposed ordinance incorporates the state-mandated changes to ADU regulations, as directed in implementation measure H-IM41. Policy H-P29 directs the county to stimulate the construction of ADUs by relaxing development standards through code modifications to facilitate low-cost housing and to make more efficient use of existing roads. H-P30, H-P31, H-IM38 and H-IM39 call for allowing and encouraging tiny houses and moveable tiny houses as permanent dwellings, and as ADUs, and set forth standards and definitions. Tiny houses and moveable tiny houses are intended to promote diverse, affordable housing. H-P15 supports lower cost rural housing by modifying the Alternative Owner Builder (AOB) Regulations to allow ADUs to be built as AOB units, and by adding building codes for Tiny Homes to the building regulations of the Humboldt County Code.	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
4. Consistency with Housing Element Densities §312-50 of Humboldt County Code	That the proposed ordinance will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation)
Evidence Supporting Finding 4. The proposed ordinance involves parcels zoned Residential Single Family or Residential Multifamily that are included in the residential land inventory used the by the Department of Housing and Community Development in determining compliance with housing element law. Where applied, the ordinance supports increased residential densities rather than decreased densities. Therefore, it would not reduce the residential density for any parcel below that used by the Department of Housing and Community Development in determining compliance.	

C. Findings for Consistency with the Coastal Act.

The following table identifies the evidence which supports finding that the proposed Coastal Accessory Dwelling Unit Ordinance is consistent with the Coastal Act.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
5. Consistency with the Coastal Act Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)	That the proposed zoning ordinance amendments comply with the requirements of the Coastal Act with respect to9 coastal access, recreation, marine resources, land resources, development, and industrial development.
Evidence Supporting Finding 5.	
Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access) <u>Facts.</u> The proposed ordinance allows for new development adjacent to or within existing or new approved single family or multifamily residences. Impacts on coastal resource access would be evaluated under the same controls and conditions as the primary residences.	
Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes) <u>Facts.</u> The proposed ordinance allows for new development adjacent or within existing or otherwise approved single family or multifamily residences. For new construction, impacts on coastal recreation are subject to the same controls and conditions as the proposed primary residences. Where ADUs are converted from or added to existing residences, a coastal development permit is required, and assesses recreation impacts in accordance with the local coastal plan. The ordinance will protect existing lower cost visitor-serving facilities by removing the need for their use as housing for lower income and seasonal workers in the coastal zone. Because ADUs are associated with existing residences, they prevent conversion of potential recreational properties to housing affordable to lower income residents. ADU locations are widely disbursed compared with	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
5. Consistency with the Coastal Act Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)	That the proposed zoning ordinance amendments comply with the requirements of the Coastal Act with respect to9 coastal access, recreation, marine resources, land resources, development, and industrial development.
Evidence Supporting Finding 5.	
other affordable income types, which prevents overloading of recreational resources.	
Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control) <i>Facts.</i> The proposed ordinance protects marine biological resources by incorporating standards for ADUs for water accessibility, sewer and waste disposal requirements, and the same requirements for compliance with health and safety standards as other residential development.	
Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources) <i>Facts.</i> The proposed ordinance protects agricultural and timber land by limiting the building envelope to two acres per parcel located, where feasible, in the area of lowest agricultural productivity. ADUs in certain designated areas (mapped Special Permit Areas) would require a Special Permit, where historical or archaeological resources exist, or where adequacy of water and sewer services or the impact on traffic flow and public safety may be issues.	
Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)	
<i>Facts.</i> The proposed ordinance is consistent with development policies of the Coastal Act because it limits increased impacts by locating ADUs adjacent to or within existing residences. Where built outside urban areas, ADUs are dispersed to the extent single family residences are dispersed, and would not create new concentrations of population. The ordinance requires adequacy of available services. The Special Permit Area described in 69.05.6 minimizes risks to life and property. Locating new housing in rural areas and unincorporated towns responds to public reports of lack of affordable housing in these areas. The ordinance intends to allow residential development near jobs, thereby eliminating commutes from urban centers where housing is more available, and reducing VMTs and associated air pollution.	
Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.	
<i>Facts.</i> The proposed ordinance concentrates ADU development where single family and multifamily residential development is principally permitted. By definition, this precludes areas with industrial development. As a result, the ordinance would have no impact to industrial development.	

D. Environmental Review.

The proposed Accessory Dwelling Unit Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

The County's adoption of the Coastal Accessory Dwelling Unit Ordinance is statutorily exempt from CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

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Attachment 1

Revised Inland Accessory Dwelling Unit Ordinance and Associated General Plan Amendments

Revised Inland Accessory Dwelling Unit Ordinance

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 by 314-69.05 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 dwelling residential 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.

For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit as defined in Govt. Code section 65852.22. JADUs are principally permitted in all areas where ADUs are principally permitted, and special rules apply as set forth in section 69.05.3.8 of this code.

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.

ADUs may be excluded or may require a Special Permit in certain designated areas as described in section 69.05.6, 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 69.05.4 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.

69.05.3 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 manufactured home 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.

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 69.05.5, 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 if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. 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.

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 space of a single-family dwelling, or within the existing space of a 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 junior accessory dwelling unit 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 allowed on the lot, if the ADU or JADU is within an single-family structure or accessory structure as described in subsection 69.05.3.8.1, and:

- (a) 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 service district, resort improvement district, or community service district that is under a moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an Accessory Dwelling Unit.

69.05.4.2 Building Site.

The building site 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. If there is an existing primary residence, the total floor area of an attached accessory dwelling unit 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.

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

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 ANSI 119.5 or 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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.
- (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 water and sewer service limitations, adverse impacts on traffic flow, and/or public safety conditions that may preclude construction of an ADU, so that an ADU in that area may require a Special Permit. These conditions are:

- (a) Areas outside a Fire Protection District;
- (b) Airport incompatibility. A Special Permit may not be issued if the ADU exceeds the density limit in an airport zone;
- (c) Areas of active or historic landslides, or areas of potential liquefaction;
- (d) Flood and tsunami hazards; and
- (e) Proximity to toxic cleanup sites as designated by California Department of Toxic Substances.

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 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.

69.05.8 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)).

314-148 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 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.

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 this code so that it qualifies as a permanent dwelling.

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 the State approved requirements for manufactured housing, or that 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.

SECTION 4. GREENWAY AND OPEN SPACE

Subdivision 314-22.2 of Chapter 4, Section A, Part 2 of the Humboldt County Code, regarding Greenway and Open Space is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

22.2.4.3. Other Provisions for Greenway Bench Development.

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

22.2.5 Density Bonus

22.2.5.1.4 ~~Second or Secondary~~ Accessory Dwelling Units shall not be allowed on parcels created by these provisions.

SECTION 5. OFF-STREET PARKING

Subdivision 314-109.1 of Chapter 4, Section B, Part 3 of the Humboldt County Code, regarding Off-Street Parking is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

underlined):

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 Accessory Dwelling Unit Exceptions

(a) 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.

(b) 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.

SECTION 6. LISTING OF USE CLASSIFICATIONS

Subdivision 314-163 of Chapter 4, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

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
Single-family Residence (allowed in RA)

SECTION 7. RESIDENTIAL USE TYPES

Subdivisions 314-177 of Chapter 4, Section D, Part 2 of the Humboldt County Code, regarding Residential Use Types is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

314-177 RESIDENTIAL USE TYPES

177.5 ~~Second Residential Unit (Second/Secondary Dwelling Unit)~~ Accessory Dwelling Unit.

The Accessory Dwelling Unit ~~Second Residential Unit~~ Use Type refers to a fully equipped dwelling unit which is ~~ancillary and subordinate to a principal dwelling unit~~ located on the same lot as a planned or existing principal dwelling unit for occupancy by individuals or a ~~family~~ household. (See, Section 314-69.05, Accessory Dwelling Units.)

Attachment 1B – General Plan Amendments

Chapter 4 – Land Use Element

FR-P10. Secondary Residential Construction on TPZ Zoned Parcels. ~~Second residential units~~ Accessory Dwelling Units may be allowed on TPZ parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. ~~Second units~~ Accessory Dwelling Units may be allowed on TPZ parcels of less than 40 acres within Community Planning Areas.

FR-P18. Transfer of Development Rights (TDR) Program. Research and develop, if feasible, a voluntary Transfer of Development Rights program as a method of protecting larger tracts of resource lands based on community input. The density credit would not count ~~second units~~ Accessory Dwelling Units in the calculation.

Table 4-B Residential Land Use Designations

Allowable Use Types	RM	RL	RE	RA
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit	X	X	X	X
<u>Accessory Dwelling Unit</u>	X	X		
Multi-Family Residential	X	X		
Manufactured Home Parks		X	X	X
Guest House	X			
Group Residential	X	X	X	X
Planned Developments	X			
Emergency Shelter	X			
Transitional Housing	X	X	X	X
Residential Accessory Uses ¹				
Other				
Cottage Industry	X	X	X	X

Allowable Use Types	RM	RL	RE	RA
Bed & Breakfast Inns	X	X	X	X
Community Assembly	X	X	X	X
Neighborhood Commercial	X	X	X	X
Non-Commercial Recreation	X			
Office and Professional	X	X	X	
Private Institution			X	X
General Agriculture			X	X
Intensive Agriculture			X	X
Stables & Kennels			X	X
Timber Production	X	X	X	X
Fish & Wildlife Management	X	X	X	X
Essential Services	X	X	X	X
Similar Compatible Uses				
Development Standards				
Density Range	7 to 30 units per acre, as specified on map	1-8 units per acre, as specified on map	1 to 5 acres per unit, as specified on map	5 to 160 acres per unit, as specified on map
Max. Floor Area Ratio	1.00	0.40	0.20	0.10
Additional Provisions	per zoning	per zoning	per zoning	per zoning

1. Residential Accessory Uses include Community Care Facilities, Family Day Care Center, and Family Day Care Home.

2. Coastal:

- The coastal RE & RL designations allow neighborhood commercial, private institution, private recreation
- The coastal RM designation allows duplexes, guest houses, hotels & motels, private institution

Table 4-D Mixed Use Land Use Designations

Allowable Use Types	MU	VC	RCC	UR/ ¹
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit				
<u>Accessory Dwelling Unit</u>	X	X	X	
Multi-Family Residential	X	X	X	
Manufactured Home Parks		X	X	
Group Residential	X	X	X	
Planned Developments	X	X	X	
Emergency Shelter	X	X	X	
Transitional Housing	X	X	X	
Residential Accessory Uses ¹	X	X	X	
Commercial				
Bed & Breakfast Inn	X	X	X	
Commercial Recreation	X	X	X	
Heavy Commercial		X	X	
Neighborhood Commercial	X	X	X	
Office & Professional	X	X	X	
Private Recreation	X	X	X	
Retail Sales	X	X	X	
Retail Services	X	X	X	
Transient Habitation	X	X	X	

Allowable Use Types	MU	VC	RCC	UR/ ¹
Other				
Cottage Industry	X	X	X	X
Community Assembly	X	X	X	
Non-Commercial Recreation	X	X	X	
General Agriculture		X	X	X
Stables & Kennels		X	X	
Timber Production		X	X	X
Fish & Wildlife Management	X	X	X	X
Essential Services	X	X	X	
Similar Compatible Uses	X	X	X	X
Development Standards				
Max. Floor Area Ratio	3	2	2	
Maximum Structure Height and other development standards	per zoning	per zoning	per zoning	per zoning

1. Uses listed are allowed interim uses prior to services being available to the parcel; no subdivision is allowed. Once services are available, allowed uses and densities are defined by the land use designation following the "/", such as UR/RL which indicates that when services are available, the area may be developed according to the RL designation.

2. Family day care centers are considered an accessory commercial use.

Table 4-G Resource Production Land Use Designations

Allowable Use Types	T	AE	AG
Agricultural			
Agriculture-Related Recreation		X	X
Feed Lot/Slaughter House		X	X
General Agriculture	X	X	X
Hog Farming		X	X
Intensive Agriculture		X	X
Stables & Kennels		X	X
Timber			
Timber Production	X	X	X
Timber-Related Recreation	X		X
Commercial			
Agriculture-Related Visitor-Serving ¹		X	X
Timber-Related Visitor-Serving ²	X		X
Industrial/Extractive			
Agriculture & Timber Products Processing	X	X	X
Aquaculture	X	X	X
Oil & Gas Drilling & Processing	X		X
Metallic Mining	X	X	X
Surface Mining			
Natural Resource			
Fish & Wildlife Habitat Mgt	X	X	X
Public Access Facilities	X	X	X
Resource-Related Recreational	X	X	X
Watershed Management	X	X	X
Wetland Restoration	X	X	X

Allowable Use Types	T	AE	AG
Other			
Cottage Industry		X	X
Farm Employee Housing		X	X
Labor Camps	X	X	X
Public Recreation	X	X	X
Second Agriculture Residence		X	X
Utilities & Energy Facilities ³	X	X	X
Single Family Residence	X	X	X
Second Residential Unit			
<u>Accessory Dwelling Unit</u>	X	X ⁴	X ⁴
Similar Compatible Uses	X	X	X
Development Standards			
Minimum Parcel Size	40-160 acres	60 acres	20-160 acres
Ground Coverage		2 acres max.	2 acres max.
Additional Provisions	per zoning	per zoning	per zoning

¹ Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc. which do not change the character of the principal use.

² Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use.

³ Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.

⁴ Principally permitted ~~Second Residential~~ Accessory Dwelling Units shall be within the same contiguous two (2) acre building envelope containing the primary residence.

NOTE FOR ALL LAND USE TABLES: Where Development Standards are not specified, see applicable zoning regulations.

Chapter 5 – Community Services and Infrastructure Element

- IS-P3. Requirements for Discretionary Development.** The adequacy of public infrastructure and services for discretionary development greater than a single family residence and/or ~~second unit~~ Accessory Dwelling Unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:
- A. Existing services are adequate; or
 - B. Adequacy will be attained concurrent with project implementation through project conditions; or
 - C. Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or
 - D. Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.
- IS-S1. Adequate Public Infrastructure and Services Ordinance.** Adequate public infrastructure and services standards shall be used to determine the level of infrastructure and services necessary for discretionary development greater than a single family residence and/or ~~second unit~~ Accessory Dwelling Unit or minor subdivision. Standards shall be specified by ordinance for County provided services. County standards shall be consistent with Plan policies. Standards for non-County services should be consistent with levels of service adopted by local service providers or, if standards have not been adopted, the County shall work in coordination with the local service providers to identify generally accepted standards.

Appendix B. Glossary and Definitions

RESIDENTIAL USE TYPES

~~**Second Residential Unit (Second/Secondary Dwelling Unit)**~~ **Accessory Dwelling Unit**. The ~~Second Residential~~ Accessory Dwelling Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family.

Appendix C. Community Plans

Avenue of the Giants Community Plan

Policy 4500-1. Plan density ranges are contingent on adequate service capacities. Current systems should be upgraded to be able to provide consistent, reliable water for domestic and emergency uses. Additional development (subdivisions, ~~second units~~ Accessory Dwelling Units, caretaker facilities, etc.) or improvements to existing uses will not be approved without proof of adequate service capacities.

Eureka Community Plan

3604 ~~Secondary~~ Accessory Dwelling Units

~~Secondary~~ Accessory Dwelling Units shall not be allowed on any parcel utilizing the density bonus, or on any parcel within a determined "bench" area.

ATTACHMENT 2

Revised Coastal Accessory Dwelling Unit Ordinance and Associated Local Coastal Plan Amendments

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 3 OF HUMBOLDT COUNTY CODE

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 3 of the Zoning Regulations; and parts of the six Coastal Land Use Plans which together constitute the Local Coastal Program of the Humboldt County Code, 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 the previous section 313-87.1, and adds revised section 313-69.05; amends section 313-107; section 313-109; section 313-136; section 313-137; section 313-148; section 313-154; section 313-155; section 313-163; section 313-177 of Chapter 3, Coastal Zoning Code; amends sections 312-6 and 312-9 of Chapter 2; amends associated zoning regulation tables in sections 313-6 and 313-7; and amends parts of the Humboldt Bay Area Plan, North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Eel River Plan, and South Coast Area Plan relating to Accessory Dwelling Units.

SECTION 2. PROCESSING APPLICATIONS FOR PERMITS.

Section 312-6.3, Public Review, of the Humboldt County Code, regarding applications for permits and variances, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

6.3.1 Applications for Accessory Dwelling Units do not require a Public Hearing, but may require a Coastal Development Permit if within the Coastal Zone. In areas subject to Coastal Commission appeals, notice of an application for a Coastal Development Permit must be given in accordance with Section 312-8.1. The notice shall contain the following information:

- (a) a statement that the development is within the coastal zone;
 - (b) the date of filing of the application and the name of the applicant;
 - (c) the number assigned to the application;
 - (d) a description of development and its proposed location;
 - (e) the date the application will be acted upon by the local governing body or decision-maker;
 - (f) the general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
- a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

SECTION 3. PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER.

Section 312-9 of the Humboldt County Code, regarding public hearings is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

9.2.4

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER				
Application Type	May Be Waived¹	Director²	Zoning Administrator²	Planning Commission
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission			O	O
Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section <u>312-9.2.5</u>	W			
<u>Coastal Development Permits for Accessory Dwelling Units, whether or not they are appealable to the California Coastal Commission.</u>	<u>NR</u>			
Coastal Development Permits that are not appealable to the California Coastal Commission	W	O		
Planned Unit Development Permits			O	O

“W” indicates that the Public Hearing may be waived.

“O” identifies the Authorized Hearing Officer.

“NR” indicates Public Hearing not required, pursuant to state law.

1 Subject to making all required findings of Section 312-9.2 of this Chapter.

2 The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

9.2.6

~~Second residential-Accessory Dwelling~~ units do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2.

SECTION 4. ACCESSORY DWELLING UNIT ORDINANCE

Subdivision 313-87.1 regarding Secondary Residential Units in Title III, Division 1, Chapter 3 of the Humboldt County Code is hereby repealed and replaced by 313-69.05 as follows:

313-69.05 -87.1 SECOND RESIDENTIAL UNIT ACCESSORY DWELLING UNIT

~~**87.1.1 Purpose.** These regulations are intended to set forth standards for the creation of a subordinate residential unit or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods. These units are also referred to as second units, second dwelling units, secondary dwelling units, etc., but all refer to the same type of structure and use and mean the same.~~

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 dwelling residential use. In addition, this ordinance allows a Tiny House or Moveable Tiny House as defined in sections 313-155 and 313-148 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.

For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit of less than 500 square feet entirely within another structure, that meets the criteria as defined in Govt. Code section 65852.22. JADUs are permitted without discretionary review in all areas where ADUs are principally permitted, and special rules apply to JADUs as set forth in section 69.05.3.8 of this code and may be combined with a detached ADU as set forth in section 69.05.3.8 of this code.

~~87.1.2 Second Residential Units Permitted with Special Use Permit. A second residential unit use type, as defined in this Code, may be permitted upon securement of a Special Permit or Use Permit with a Coastal Development Permit in RS and RA zones if all the criteria of subsection 313-87.1.4, Development Regulations and Standards, are met. A second residential unit that cannot meet all the criteria in subsection 87.1.4 may be permitted with a coastal development permit and Special Permit pursuant to subsections 313-87.1.7 through 313-87.1.10 so long as the second unit meets the criteria of section 87.1.4.8—87.1.4.12.~~

69.05.2 Accessory Dwelling Units Generally Permitted.

Accessory dwelling units are permitted without discretionary review 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. The Coastal Act still applies, and a Coastal Development Permit

(CDP) is required for development that is not exempt and is not subject to waiver, except that public hearings are not required for CDP applications for accessory dwelling units. The CDP process for is described in Section 312-6 of this code.

69.05.2.1 No Coastal Development Permit Required

No Coastal Development Permit (CDP) is required in the following instances:

- (a) The unit is a junior accessory dwelling unit (JADU) as defined in Govt. Code section 65852.22, and it conforms to requirements of that section; no CDP is required unless specified in a previously issued CDP for existing development on the lot;
- (b) The ADU is exempt because it is contained within or directly attached to a single-family structure as specified in Title 14 of California Code of Regulations, section 13250(a)(1);
- (c) The ADU is subject to a de minimus waiver as described in section 312-16.1 of this code, and consistent with Public Resource Code section 30624.7; or
- (d) The project does not qualify as development under Public Resources Code, section 30106.

69.05.2.2 Exceptions

ADUs may be excluded or may require a Special Permit in certain designated areas as described in section 69.05.6, 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 69.05.4 may still be permitted with a Special Permit under certain circumstances.

69.05.2.3 Expedited Application Review

The county shall act on the 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.

~~87.1.3 General Provisions. The following General Provisions shall apply to all secondary residential units.~~

69.05.3 Provisions that Apply to All ADUs.

The following provisions apply to all ADUs.

~~87.1.3.1 Ownership: A second residential unit shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met.~~

69.05.3.1 One or more ADUs per lot.

One or more ADU is permitted per lot developed or proposed to be developed with a single-family or multifamily dwelling, except for AE lots sixty (60) 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 69.05.3.8.

69.05.3.2 Ownership.

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

~~87.1.3.2~~ 69.05.3.3 Renting Permitted.

~~The second residential unit~~ ADU may, but need not be, rented. ~~although rental is not required.~~

~~87.1.3.4 Kitchen and Bathroom Facilities Required: The second residential unit shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit.~~

~~87.1.3.4~~ 69.05.3.4 Short-term Lodging Prohibited.

Neither the ADU nor the primary residence shall be rented for periods of 30 days or less.

~~87.1.3.3 Building Type: The second residential unit may be attached to, or detached from, the principal residence and may be over a garage.~~

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 313-155; a Moveable Tiny House as defined in Section 313-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code.

~~87.1.3.5 Manufactured Homes: A manufactured home may be permitted as a second residential unit in certain zoning districts where the manufactured home building type is specifically authorized.~~

69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.

A manufactured home 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.

69.05.3.5.2 Tiny Houses and Moveable Tiny Houses as ADUs.

A Tiny House as defined in Section 313-155 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 313-148 that meets all applicable building and development standards in this code, and meets the criteria in 69.05.5, 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 if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. 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.

87.1.3.6 69.05.3.7 Existing Single-Family Residence

Where one single-family dwelling unit exists on a lot, a larger ~~second-unit~~ home may be constructed as the principal dwelling unit, and the existing unit treated as the ~~second-unit~~ ADU, provided that the floor area of the existing unit is within the limitations of this section, and all other development regulations and standards can be met for both units.

69.05.3.8 ADU and 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 space of a single-family dwelling, or within the existing space of a single-family dwelling or accessory structure, and may include an expansion of no 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 junior accessory dwelling unit 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 for a lot with a proposed or existing single-family dwelling. If a non-habitable accessory building is converted to an ADU or JADU a Coastal Development Permit is required. In addition to the detached accessory dwelling unit, one ADU or JADU is allowed on the lot, if the ADU or JADU is within an existing single-family structure or accessory structure as described in subsection 69.05.3.8.1, and:

- (a) ~~The attached ADU or JADU contains no more than 500 square feet of floor space; and~~
- (b) (a) 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 shall be 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.

87.1.4 69.05.4 Development Regulations and Standards, and Applicable Codes.

The following development regulations and standards shall apply to all ~~second residential units~~ ADUs:

87.1.4.1 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 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 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 district, resort improvement district, or community service district that is under a moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an Accessory Dwelling Unit.

69.05.4.2 Building Site.

The accessory dwelling unit shall be on the same lot as ~~building site shall be shared in common with the proposed or existing primary residence. main dwelling unit.~~ The residences share a common building site when they are located no further than thirty 300 feet from each other and when they share a common driveway. ~~proposed or existing primary residence.~~ Second residential units which cannot comply with these building site standards may be allowed with a Use Permit. Accessory dwelling units must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ, TC, or AE, the curtilage area for residences, ADUs, associated residential structures, driveways, and utilities shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Where feasible, residences, ADUs, associated residential structures, driveways, and utilities shall be sited so as to avoid prime soils to the maximum extent feasible, and to minimize impacts to agriculturally related activities. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size.

~~87.1.4.3 Minimum Lot Size. A second residential unit may be constructed or placed on a lot substandard to the zone.~~

87.1.4.4 69.05.4.3 Total Floor Area.

The total floor area of ~~any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less.~~ a detached ADU shall not exceed 1200 square feet. If there is an existing primary residence, the total area of floor space of an attached accessory dwelling unit shall not exceed fifty (50) percent of the area of the existing primary residence. ~~or 1,200 square feet.~~ 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 shall not be required to provide fire sprinklers if they are not

required for the primary residence.

87.1.4.5 69.05.4.5 Development Standards: Setbacks

The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, including, but not limited to, standards for front, rear, and side yard setbacks, height, and lot coverage. 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.

87.1.4.6 Design Standards. The second dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. The height of the secondary dwelling unit shall not exceed the height of the principal unit by more than eight (8) feet.

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, ADUs less than 1,000 square feet in size, no parking shall be required.

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

87.1.4.8 69.05.4.8 Services.

The applicant shall provide evidence of adequate services to serve the ~~second residential unit~~ accessory dwelling unit including water supply and sewage disposal.

87.1.4.9 69.05.4.9 Public Access.

~~Second Accessory residential dwelling~~ units shall not obstruct public access to and along the coast or public trails.

87.1.4.10 69.05.4.10 Visual Resources.

~~Second Accessory residential~~ units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.

87.1.4.11 69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

All development associated with ~~second accessory residential dwelling~~ units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat

area or the average setback of existing development immediately adjacent as determined by the “string line method”.

87.1.4.12 69.05.4.12 Agricultural Lands.

All development associated with ~~second~~ accessory residential dwelling units shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to ~~ongoing the use of land for~~ agriculturally related activities.

69.05.4.13 Timberlands.

All development associated with accessory dwelling units shall be sited so as to minimize impacts to timber related activities.

87.1.5 69.05.4.14 Accessory Dwelling Units ~~Second Dwelling Units~~ on Lots with Nonconforming Use or Structure.

~~Second dwelling units~~ Accessory dwelling units may be approved on lots with nonconforming uses, structures, or support facilities provided that no greater degree of nonconformity is created.

~~87.1.5.1 In the case of nonconformity due to use, the application can be processed consistent with the regulations for nonconforming uses in this Code;~~

~~87.1.5.2 In the case of nonconformity due to height or yard setbacks;~~

~~87.1.5.3 In the case of nonconformity due to County Code health provisions, all currently applicable County Code health provisions can be met;~~

~~87.1.5.4 In the case of nonconformity due to building codes, parking and road easements, encroachments and standards, all current applicable codes can be met, or substantially met to the extent that it is determined that no abnormal risk to health or safety will result from occupancy of the unit.~~

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 313-148 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 ANSI 119.5 or 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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.

(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 are presumed to have certain water and sewer service limitations, adverse impacts on traffic flow, and/or public safety conditions that may preclude construction of an ADU, so that an ADU in that area requires a Special Permit. These conditions are:

- (a) Areas outside a Fire Protection District;
- (b) Airport incompatibility. A Special Permit may not be issued if the ADU exceeds the density limit in an airport zone;
- (c) Areas of active or historic landslides; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.
- (d) Flood and tsunami hazards; and
- (e) Proximity within 1000 feet of a toxic cleanup site as designated by California Department of Toxic Substances.

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 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; and the ADU is consistent with all other applicable provisions of the Local Coastal Plan.

69.05.7 Coastal Resource Protection

In order to protect coastal resources, parcels with the following characteristics may require a discretionary Coastal Development Permit unless the requirement is waived.

- (a) Lands within Coastal Commission appeals jurisdictions, as mapped on the County's GIS;
- (b) Parcels within Special Combining Zones that protect coastal resources, as mapped on the County's GIS, including A: Archaeological Resource Area and Special Archaeological Resource Area for Shelter Cove; B: Beach and Dune Areas; C: Coastal Resource Dependent; D: Design Review; E: Coastal Elk Habitat; R: Streams and Riparian Corridors; T: Transitional Agricultural Lands; and W: Coastal Wetland Areas Combining Zones;
- (c) Parcels within Coastal Natural Resources areas as mapped on the County's GIS.

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, 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.

~~87.1.6 Existing Second Dwelling Units.~~

~~87.1.6.1 — A Special Permit may be approved by the Hearing Officer for a second dwelling unit which was constructed or partially constructed prior to March 13, 1984, on any lot~~

~~87.1.6.2 — The Hearing Officer may approve a Special Permit for the second dwelling unit, provided that:~~

~~87.1.6.2.1 — an inspection of the dwelling shall be made by the appropriate county official(s); and~~

~~87.1.6.2.2 — the Official(s) determine(s) that the requirements of the applicable County codes, including modification thereof, 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~~

~~87.1.6.2.3 — the dwelling otherwise conforms to the County Code. 87.1.7 — Waiver — of Density Standards. Applicable density standards shall be waived for secondary dwelling units in RS zones and RA zones which are planned and zoned for minimum parcel sizes of five acres or less. (Former Section CZ#A314 31(G); Amended by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.8 Waiver of Maximum Floor Area. The maximum floor area requirement may be modified or waived with a Special Permit where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314 31(H); Amended by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.9 Waiver of Building Site Standards. With a Special Permit, the requirement that the building site be shared in common may be modified or waived where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314 31(I); Added by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.10 — Waiver of Road Category 4 Access Standards. The requirement that the subject lot be served by a road that at a minimum meets the Road Category 4 standard, may be modified or waived with a Special Permit where the subject property is served by a road design equivalent to a Road Category 4 or better that is acceptable to the California Department of Forestry and Fire Protection and the Humboldt County Department of Public Works. (Former Section CZ#A314 31(J); Added by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.11 — Required Findings. In addition to the findings required for all permits, the following applicable Residential Use findings shall also be made prior to the approval of a Coastal Development Permit or Special Permit for a second dwelling unit: “The second dwelling unit is subordinate to the principal residence and is compatible with the character of the neighborhood, and the development is consistent with LCP policies regarding maintenance of open space, retention of agriculture and timber lands, and the criteria of 87.1.4.8 — 87.1.4.12.~~

SECTION 5. DEFINITIONS

The following subdivisions of 313, Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 3 of the Humboldt County Code are added or amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-136 DEFINITIONS (A)

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 is an accessory building for purposes of Categorical Exclusion Order E-86-4, Section I(a). 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)).

313-137 DEFINITIONS (B)

Building Type, Residential:

E. Ancillary Residential: A dwelling which is not the principal residence or main building on a lot or parcel, such as ~~a second residential unit~~, an accessory dwelling unit, guest house, caretaker's residence, farm laborers' residence, etc.

313-148 DEFINITIONS (M)

Moveable Tiny House. Moveable Tiny House. A structure no larger than 400 square feet intended for separate, independent living quarters, designed 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 National Fire Protection Association (NFPA) RV 1192 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.
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 this code so that it qualifies as a permanent dwelling.

313-154 DEFINITIONS (S)

~~Second Residential Unit:~~ ~~(See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

~~Secondary Dwelling Unit:~~ ~~(See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

313-155 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 that 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 that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

SECTION 6. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

107.1.4 Exceptions for Existing Substandard Manufactured Home Parks.

The Hearing Officer may modify the requirements of Section 107.1.3 for an existing substandard park proposed to be enlarged or altered provided that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result, and subject to making the applicable findings for granting exceptions in Chapter 2, Procedures, of this Code. (For more information on manufactured homes, see Section 313-132, Nonconforming Structures, and Section 313-69.05, ~~Second Residential Units, Accessory Dwelling Units.~~)

SECTION 7. OFF-STREET PARKING

Section 313-109.1.4 of the Humboldt County Code, regarding parking spaces required, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

313-109.1 OFF-STREET PARKING

109.1.4 Parking Spaces Required.

The number of off-street parking spaces required shall not be less than the following:

109.1.4.1 Residential Uses.

109.1.4.1.1 Single Detached and Duplex Building Types

109.1.4.1.1.1 Spaces Required, Setback

One (1) parking space is required for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom, and the required parking shall be sited outside the front yard setback. The following exceptions apply to Accessory Dwelling Units:

109.1.4.1.1.1 Accessory Dwelling Unit Exception

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

(b) 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.

SECTION 8. USE TYPE AND CLASSIFICATION

Subdivision 313-163 of Chapter 3, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification, is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-163 LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS

163.1.8 Residential Use Types.

Accessory Dwelling Unit (See Residential Zoning Designations, Principal Permitted Uses)

Caretaker's Residence
Community Care Facility
Family Day Care Center
Family Day Care Home
Farm Employee Housing
Group Residential
Guest House
Labor Camp
Manufactured Home Park Development
Multi Family Residential
Residence Incidental to Agriculture or Commercial
Timber Production (See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Second Agriculture or Commercial Timber Production Residence
~~Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)~~
(See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Single Family Residential

163.1.9 Principal Permitted Uses

163.1.9.5 Residential Single Family

The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential, ~~Second Residential Unit~~, Accessory Dwelling Unit, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.6 Residential Multi Family

The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential, Accessory Dwelling Unit, Group Residential, and Minor Utilities to serve these uses.

163.1.9.7 Mixed Residential

The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, Multi Family Residential (Duplex only), Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.8 Rural Residential Agricultural

The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential, ~~Second Residential Unit~~, Accessory Dwelling Unit, General Agriculture, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses:

Single Family Residential (on lots sixty (60) acres or larger in size, two single detached dwellings, or one single detached and one accessory dwelling are permitted), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

163.1.9.10 Commercial Timber

The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.11 Timber Production

The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

SECTION 9. RESIDENTIAL USE TYPES

Subdivision 313-177 of Chapter 3, Section D, Part 2 of the Humboldt County Code, Glossary of Use Types, is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-177 RESIDENTIAL USE TYPES

177.05 Accessory Dwelling Unit.

~~177.13 Second Residential Unit (Second/Secondary Dwelling Unit).~~

The Accessory Dwelling ~~Second Residential~~ Unit Use Type refers to a fully equipped dwelling unit which is ancillary ~~and subordinate~~ to a principal dwelling unit located on the same lot for occupancy by individuals or a family household. (See Section 313-69.05, Second Residential Unit Accessory Dwelling Unit for regulations governing ~~second residential~~ accessory dwelling units.)

SECTION 8. RESIDENTIAL ZONE DISTRICTS

Tables in Section 313-6 regarding Residential Zone Districts in Title III, Division 1, Chapter 3,

Section A of the Humboldt County Code are amended as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-6 RESIDENTIAL ZONE DISTRICTS

313-6.1 RS: RESIDENTIAL SINGLE FAMILY

313-6.1 RS: Residential Single Family		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RS-5	5,000 sq. ft.	50 feet
RS-7.5	7,500 sq. ft.	60 feet
RS-10	10,000 sq. ft.	60 feet
RS-20	20,000 sq. ft.	75 feet
RS-40	40,000 sq. ft.	150 feet
Maximum Lot Depth	Three (3) times the lot width.	
Maximum Density	<p>One dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. <u>plus accessory dwelling unit(s).</u> Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located. In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</p> <p>Note1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a legally binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.</p>	
Minimum Yard Setbacks***		
Front	Twenty feet (20').	
Rear	Ten feet (10').	
Interior Side	Five feet (5').	
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a “collector” or “higher order street” (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be	

	maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group

313-6.2 RM: RESIDENTIAL MULTI-FAMILY

313-6.2 RM: Residential Multi-Family	
	Principal Permitted Use
	Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services Community Assembly Non-Assembly Cultural Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Transient Habitation Private Recreation Neighborhood Commercial Office and Professional Service Private Institution
Commercial Timber Use Type	Timber Production
Natural Resource Use Type	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities

Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.

313-6.3 R2: MIXED RESIDENTIAL

313-6.3 R2: MIXED RESIDENTIAL	
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not about a “collector” or “higher order street” (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Manufactured Homes in Manufactured Home Parks; Ancillary Residential. Only one dwelling per lot or manufactured home lot except for an <u>accessory dwelling unit</u> (see, <u>Accessory Dwelling Unit</u> in Section 313-69.05).

	Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.
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313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA -1	1.0 acres	150 feet
RA -2	2.0 acres	175 feet
RA -2.5	2.5 acres	175 feet
RA -5	5.0 acres	250 feet
RA -10	10.0 acres	350 feet
RA -20	20.0 acres	475 feet
RA -40	40.0 acres	750 feet
Maximum Lot Depth		Four (4) times the lot width.
Maximum Density		Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. plus one accessory dwelling unit. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.
Minimum Yard Setbacks***	Minimum Lot Size Less Than 2.5 Acres	Minimum Lot Size 2.5 Acres or Greater
Front	Twenty feet (20')	Twenty feet (20'); Thirty feet (30') for flag lots
Rear	Ten feet (10')	Thirty feet (30')
Interior Side	Five feet (5')	Thirty feet (30')
Exterior Side	Twenty feet (20')	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Maximum Ground Coverage		Thirty-five percent (35%)
Maximum Structure Height		Thirty-five feet (35').
Permitted Main Building Types		Residential Single Detached; <u>Ancillary Residential</u>
Nonresidential Detached or Multiple/Group		

SECTION 10. 313-7 RESOURCE USE REGULATIONS

Tables in Section 313-7 regarding Resource Use Regulations in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-7 Resource Use Regulations

313-7.1 AE: Agriculture Exclusive

313-7.1 AE: Agriculture Exclusive	
Principal Permitted Use	
Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	Guest House Farm Employee Housing Labor Camp Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size) Single Family Residential <u>and Accessory Dwelling Unit (on a lot less than sixty acres (60a))</u>
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Aquaculture, allowed within non-prime agricultural lands only Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Hog Farming Feed Lots/Slaughter House Kennels Agriculture-Related Recreation Intensive Agriculture
Extractive Use Types	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Surface Mining - 2; subject to the Surface Mining Regulations Surface Mining - 3; subject to the Surface Mining Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Resource-Related Recreation Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

313-7.2 TC: Commercial Timber

313-7.2 TC: Commercial Timber	
Principal Permitted Use	
Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential . A Use Permit is required for a second single family residence other than an Accessory Dwelling Unit.
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agricultural Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
Use Type	Compatible Uses Permitted with a Special Permit
Residential Use Types	Labor Camp
Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration

313-7.3 TPZ: Timberland Production Zone

313-7.3 TPZ: Timberland Production Zone	
Principal Permitted Use	
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	A Use Permit is required for a second single family residence other than an Accessory Dwelling Unit.
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations

	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agriculture-Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.
Use Type	Compatible Uses Permitted with a Special Permit
Residential Use Types	Labor Camp
Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration

ATTACHMENT 2B LOCAL COASTAL PROGRAM AMENDMENTS

HUMBOLDT BAY AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.23 TIMBERLANDS

B. Development Policies

1. Identification of Timberlands

(e) No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber, and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. A second dwelling unit that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

a. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents or children of the owner-operator~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

SECTION 11. HUMBOLDT BAY AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.10 A. URBAN LAND USE DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences and accessory dwelling units.

RE: RESIDENTIAL ESTATES

PRINCIPAL USE: detached single-family residences and accessory dwelling units.

CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: single-family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: production of agricultural crops with a residence and accessory dwelling unit incidental to this use.

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit with neighborhood commercial services as allowed by Section 3.28C of this document.

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator~~, or one-owner occupied residence and one accessory dwelling unit, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator~~, or one-owner occupied residence and one accessory dwelling unit, and principle permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USE: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.23 of this document, and principle uses permitted under AE, ~~except second dwelling~~.

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

NORTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.33 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents or children of the owner-operator~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

3.34 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05.

NORTH COAST AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

PRINCIPLE USE: Detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: Single family house on existing lots, junior accessory dwelling unit, a caretaker's residence, apartment on the upper floor of multistory structures.

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services as allowed by Section 3.36B of this document.

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

PRINCIPAL USE: Production of food, fiber or plants, as provided in Section 3.54 with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit;~~ barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production as provided in Section 3.34 including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use, and principle uses permitted under AEP, except second dwelling. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CONDITIONAL USES: Management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber products processing plants for commercial processing of wood and wood products.

CR: COMMERCIAL RECREATION

CONDITIONAL USES: Single family residences and junior accessory dwelling units on existing lots, caretaker's residence, apartments on the upper floor of multistory structures.

TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Trinidad Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.24 TIMBERLAND

A. PLANNED USES

1. Identification of Timberlands

(e) No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as not to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.

Chapter 4 of the Trinidad Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

PRINCIPAL USE: detached single family residences, accessory dwelling units, subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR COMMERCIAL RECREATIONAL

CONDITIONAL USES: single family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

RR RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit, subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

RV RURAL VILLAGE

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 B2. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at Section 313-69.05.

TC COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.24 of this document, and principal uses permitted under AEP ~~except second dwelling~~.

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the McKinleyville Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents or children of the owner-operator~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the McKinleyville Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

PRINCIPLE USE: Detached single family residences, accessory dwelling units.

RE: RESIDENTIAL ESTATES

PRINCIPLE USE: Detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: Single family house on existing lots, junior accessory dwelling unit, a caretaker's residence, apartment on the upper floor of multistory structures.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

RR: RURAL RESIDENTIAL

PRINCIPAL USE: Residential, accessory dwelling unit, subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS

PERMITTED USE: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached residence and one accessory dwelling unit; and the principle permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AG: AGRICULTURE/GENERAL

PRINCIPLE USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.35 (Timberlands) of this document, and principle uses permitted under AEP. except second dwelling.

CONDITIONAL USES: Management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

CR: COMMERCIAL RECREATION

CONDITIONAL USES: Single family house and accessory dwelling unit on existing lots, a caretaker's residence, apartments on the upper floor of multi-story structures.

EEL RIVER AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit

shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels of 60 acres or larger, a second house ~~for parents or children of the owner-operator~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

(1) No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structure for owner and caretaker. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. ~~A~~ The second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

EEL RIVER AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

CONDITIONAL USES: Hotels, motels, boarding houses, mobile home development, single family residences, accessory dwelling units, guest houses, office and professional private institutions, and neighborhood commercial.

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR: COMMERCIAL RECREATIONAL

Conditional Uses: single family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

AG: AGRICULTURE/GENERAL

Principal Use: production of agricultural crops with a residence and accessory dwelling unit incidental to this use. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

5.30 RURAL PLAN DESIGNATIONS

(The standards below apply outside Urban Limits as shown in the Area Plan.)

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.37B of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

RR: RURAL RESIDENTIAL

Principal Use: residential and accessory dwelling unit subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit;~~ and principal uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AEG(1): AGRICULTURE EXCLUSIVE/GRAZING LANDS (1)

PERMITTED USE: production of food, fiber, or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit;~~ and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AEG(2): AGRICULTURE EXCLUSIVE/GRAZING LANDS (2)

PERMITTED USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator, ~~and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit;~~ and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.35 of this document, and principal uses permitted under AEP, ~~except second dwelling including an accessory dwelling unit.~~

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

SOUTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents of children of the owner-operator~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. The An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.

Chapter 5 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

Principal Use: ~~detached single family homes,~~ Duplexes, and guest houses.

Conditional Uses: Hotels, motels, boarding houses, mobile home development, single family residences, accessory dwelling units, guest houses, office and professional private institutions.

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

5.30 RURAL PLAN DESIGNATIONS

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PERMITTED USE: production of food, fibre or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator,~~ or one owner-occupied detached and one accessory dwelling unit; and principal permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use, and principal uses permitted under ~~AEP AEG. except second dwelling.~~ An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CONDITIONAL USES: Management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings,~~ temporary labor camps.

SECTION 24. EFFECTIVE DATE.

This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

Dated: _____, 20__

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

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: Ryan Sharp, Deputy

ATTACHMENT 3

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF HUMBOLDT AMENDING SECTIONS 351.5-2, 331.5-3, 331.5-5, 331.5-6,
331.5-7, and 331.5-17 OF CHAPTER 1.5 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 to Chapter 1.5 of Division 3 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 2. 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, APPROVED 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

TITLE III – LAND USE AND DEVELOPMENT
DIVISION 3
BUILDING REGULATIONS
CHAPTER 1.5 MODIFIED LIMITED DENSITY OWNER-BUILT RURAL DWELLING
REGULATIONS (FOR ALTERNATIVE OWNER BUILDERS)

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.

Attachment 6

Tiny House Building Code

APPENDIX V TINY HOUSES

adopted as
Appendix Q

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AV101 GENERAL

AV101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with the *International Residential Code* except as otherwise stated in this appendix.

SECTION AV102 DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the *International Residential Code* for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the *emergency escape and rescue opening* requirements in Section R310.2.

LANDING PLATFORM. A landing measuring two treads deep and two risers tall, provided as the top step of a stairway accessing a *loft*.

LOFT. Any floor level located above the main floor and open to it on at least one side, with a *ceiling height* less than 6 feet 8 inches (2032 mm), complying with the area, access, and guard requirements of Section AV104, and used as a living or sleeping space.

TINY HOUSE. A *dwelling* which is 400 or less square feet (37 m²) in floor area excluding *lofts*.

SECTION AV103 CEILING HEIGHT

AV103.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a *ceiling height* not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a *ceiling height* not less than 6 feet 4 inches (1930 mm). No obstructions shall extend below these minimum ceiling heights including beams, girders, ducts, lighting, or other obstructions.

Exception: *Ceiling heights* in *lofts* are permitted to be less than 6 foot 8 inches (2032 mm).

SECTION AV104 LOFTS

AV104.1 Minimum loft areas. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²)

AV104.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from *lofts* shall be of any type described in Sections AV104.2.1 through AV104.2.4

AV104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5

AV104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at all points at or above the permitted handrail height. The minimum width below the handrail shall not be less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm) measured vertically from the sloped line connecting the tread nosings in the middle of the tread width.

Exception: The headroom for *landing platforms* shall not be less than 4 feet 6 inches (1372 mm).

AV.104.2.1.3 Treads and Risers. Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and a maximum of 12 inches (305 mm). Tread depth and riser height shall be calculated with the following formulas:

Tread depth = 20 inches (508 mm) minus $\frac{4}{3}$ riser height
OR

Riser height = 15 inches (381 mm) minus $\frac{3}{4}$ tread depth

Exception: *Landing platforms* shall measure two treads deep and two risers tall.

AV104.2.1.4 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.5 Stairway guards. *Guards* at open sides of stairways shall comply with Section R312.1.

AV104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AV104.2.2.1 and AV104.2.2.2

AV104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have 12 inches (305 mm) minimum rung width and 10 inches (254 mm) to 14 inch (356 mm) spacing between rungs.

Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AV104.2.3 Alternating tread devices. *Alternating tread devices* accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.2.4 Ships ladders. *Ships ladders* accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.3 Loft guards. Loft *guards* shall be located along the open side(s) of *lofts* located more than 30 inches (762 mm) above the main floor. Loft *guards* shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less.

SECTION AV105 EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. *Tiny houses* shall meet the requirements of Section R310 for *emergency escape and rescue openings*.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.

COMMENTER'S REASON

During the Committee Action Hearings in Kentucky, IRC Committee members explained their disapproval of RB168-16, but also their support for addressing the issue of small houses. In the published reasons the Committee stated “The issue of small houses and apartments is important,” and that “The IRC needs to address them in some fashion.” They encouraged further development of the proposal, stating “There needs to be a more comprehensive approach”, and that “The concept of smaller houses may be more suited for an appendix.”

This Public Comment follows the Committee’s advice by replacing the original piecemeal proposal with a proposed appendix that takes a “more comprehensive approach”. It also reduces the 500 square foot threshold for “small houses” in the original proposal to the widely accepted threshold of 400 square feet for “tiny houses”. At that smaller size there is increased difficulty in meeting certain dimensional requirements of the IRC; however, through years of practice by tiny house advocates and years of extensive use of comparably sized “recreational park vehicles” governed by ANSI A119.5, safe alternative dimensions and other requirements have been established that are included in the proposed appendix.

In the published reasons the Committee finally noted that “Small houses are a growing concern, [and] the demand for them is increasing.” The reasons for that growing demand are both environmental and financial in nature. Below are statistics illustrating problematic housing trends, the environmental impacts of construction, the cost of home ownership, and how tiny houses can be a part of the solution. That is followed by specific reasons for the code language in the proposed appendix.

- The average **home size** in the U.S. increased 61% since 1973 to over 2600 square feet. In that time period the average household size decreased, leading to a 91% increase in home square footage per inhabitant (1000 SF per person) (source: US Census Bureau).
- The average house in the U.S. uses approximately 17,300 board feet of **lumber** and 16,000 square feet of other wood products. A 200 square foot tiny house uses only 1,400 board feet of lumber and 1,275 square feet of additional wood products. The lifetime conditioning costs can be as low as 7% of a conventionally sized home.
- United States Green Building Council (USGBC), the California Energy Commission (CEC), and other entities are working hard to increase energy efficiency in the construction industry. This is a great start, however a reduction in home size is the easiest way to lower energy consumption.
- National home ownership fell to 63.7% in 2015, the lowest level in two decades. **Increased housing cost is cited as the main reason for low ownership** rate. (source: Joint Center for Housing Studies (JCHS) at Harvard University)

- The **average home** in the United States **costs** approximately \$358,000 to build, an increase of roughly \$200,000 since 1998, whereas the average annual income in the United States has remained unchanged for the last several years, lingering near \$52,000. (source: US Census Bureau)
- The average American spends roughly 27% of their annual income on housing (nearly 11 hours of every 40-hour work week). 48% of households making less than \$30,000 annually pay more than half of their income on housing, leaving these households less than \$15,000 a year to purchase food, health care, education, clothing, and anything else. (source: JCHS)
- The cost of new construction for a 200 square foot tiny house can be as low as \$35,000. A typical down payment on an average-sized house is \$72,000, more than twice the full **cost** of a tiny house.
- Cities benefit from tiny house ordinances. With significant need for **affordable housing**, cities are hard-pressed to find solutions that quickly expand their low-income housing stock without burdening an already burdened system. Tiny houses can be quickly installed in municipalities and set up at little or no cost to the cities.
- Although not addressed in the proposed code language of this public comment, it is important to recognize the need for codes pertaining specifically to **movable** tiny houses. For some people, homeownership is heavily impacted by the **cost of land** and even the construction of a fixed tiny house becomes unattainable. For those individuals, the presence of movable tiny houses in the building code may create their only path to home ownership. The **flexibility** of a movable tiny house allows individuals to locate their homes in areas of community living or on ancillary home sites, without the burdensome cost of a single-family lot. It also allows them to take their home with them should they need to **relocate**, thus eliminating many typical **costs of moving**.

Tiny houses can play an important role in minimizing the environmental impacts of housing while providing safe and healthy homes at affordable prices. Pride of ownership improves neighborhoods and community morale. Tiny houses enable more people to become homeowners and contribute to their communities.

REASONS FOR DEFINITIONS:

EGRESS ROOF ACCESS WINDOW. Most manufacturers use this term for their skylights and roof windows that are designed to satisfy the dimensional requirements of emergency escape and rescue openings in U.S. building codes.

LANDING PLATFORM: The design in this definition has demonstrated in practice to allow for the safe transition between stairways and lofts. The large tread depth provides

adequate standing space while the tall riser allows for a simple transition between standing and kneeling when entering or exiting the loft. (See photos)

LOFT. This definition is a modified version of the definition of loft area in Section 1-3 of ANSI A119.5 Recreational Park Trailer Standard and differentiates a loft from a mezzanine and habitable attic within this code.

TINY HOUSE. This definition is based on the widely accepted maximum square footage for tiny houses in the construction industry.

REASONS PER SECTION:

AV103. CEILING HEIGHT: The minimum ceiling height for non-loft habitable spaces in this proposed appendix is 6 feet 8 inches. Though lower than the 7 foot minimum for habitable spaces in the IRC, it is higher than the minimum of 6 feet 6 inches in Section 5-3.5.4 of ANSI A119.5 Recreational Park Trailer Standard, that has proven to provide safe and adequate head room during the extended occupancy of recreational park trailers.

AV104 LOFT: Tiny houses have considerably smaller footprints and building height than conventional houses. As such, lofts are essential to maximize the use of space in tiny houses and make them viable shelter for many individuals and families.

It is common knowledge to many building inspectors that spaces labeled “non-habitable storage” in dwellings of all sizes are sometimes used for sleeping or other habitable purposes once the final inspection is complete. Rather than being unable to enforce a falsely stated use, building departments could regulate the health and safety of those spaces for their intended use with the proposed appendix, ensuring health and safety with minimum loft dimensions, requirements for access and egress, and proper emergency escape and rescue openings.

MINIMUM AREA and MINIMUM DIMENSIONS: Lofts in tiny houses are small by necessity; however, minimum dimensions are required for lofts used as a living or sleeping space, so as to not impose a risk to occupant health and safety.

HEIGHT EFFECT ON LOFT AREA: For most roof designs in tiny houses, a minimum ceiling height of 3 feet has proven adequate in sleeping lofts for consideration of their required floor area. For gable roofs with moderate to high slopes, the slope has an aggressive impact on the loss of ceiling height but makes up for it with higher areas under the ridge. Thus lofts under gable roofs with a minimum 6:12 slope have a lesser minimum ceiling height when calculating their required floor area.

STAIRWAY WIDTH: These dimensional requirements are identical to those in Section 5-10.4.1.1 of ASNI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

STAIRWAY HEADROOM: Because tiny houses are limited in square footage and height , IRC compliant head heights for stairs serving lofts are often not achievable. Therefore the stair headroom requirement has been reasonably reduced to 6 feet 2 inches. The inclusion of the “double tread/riser” landing platform design, with its own headroom requirement, allows for a safe transition from standing height to kneeling height, making for safe access to and egress from the loft.

STAIRWAY TREAD/RISER: This is identical to the requirements for treads/risers in Section 5-10.4.1.1 of ANSI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

STAIRWAY LANDING PLATFORM: This defines the specific, technical parameters of a landing platform in terms of height, depth, and measurement locations.

LADDERS: This is identical to the requirements for ladders in Section 5-10.5 of ANSI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

ALTERNATING TREAD DEVICES: Alternating tread devices as described in the IRC, are allowed to provide access to and egress from lofts.

SHIPS LADDERS: Ships ladders as described in the IRC, are allowed to provide access to and egress from lofts.

LOFT GUARDS: The height requirement for loft guards is identical to that for guardrails in Section 5-10.7 of ANSI A119.5.

AV105 EMERGENCY ESCAPE AND RESCUE: Due to the considerably smaller footprints of tiny houses, ceiling heights in sleeping lofts therein are often necessarily lower than minimum ceiling heights required by the IRC for sleeping rooms in larger houses. Egress roof access windows (which are specifically designed to meet the dimensional requirements of emergency escape and rescue openings) can be installed with their openings within 44 inches of the loft floor, thus meeting the requirements of Section R310 when wall mounted windows meeting these requirements are not possible.

BIBLIOGRAPHY:

ANSI A119.5 Recreational Park Trailer Standard - 2009 Edition