

Pre-Workshop Comments

Theme 1: Alternative Owner Builder (AOB)

From: [Gayle Arnoul](#)
To: [Hilton, Keenan](#); [Bushnell, Michelle](#)
Subject: STR Proposed Ordinance
Date: Friday, August 11, 2023 9:07:53 AM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Re: AOB and other blanket restrictions.

The AOB is not a sacred unchangeable document. The US Constitution has amendments, the CA Building code gets updated every couple of years, the IRS tax code changes every year.

AOB code was written by people and can be enhanced by people. It can have safe harbor provisions, like if an owner occupies part of the property, they are allowed an STR. It can have a seasonal provision, like summer stays are allowed. It can have a de minimis use provision based on the number of days used as STR or amounts of net revenue collected. These are only examples

Please take a drive to Garberville. It is severely economically depressed, numerous closed businesses, untreated mental illness, open air drug use and drug dealing all around. People visit SoHum to experience peace and quiet, to let their children play freely outside, to hear bird sounds, to see the night sky, maybe see a horse in a pasture or deer grazing in the morning sun.

These positive experiences are provided by small "curators" of STR's on rural properties. These are the people who will be put out of business by the STR ordinance as proposed, which starts and ends with only what you CANNOT do, instead of what you SHOULD do. These small STR's are relatively inexpensive for guests with small profit margins for operators.

Putting them out of business is a lose/lose for the county. No permitting fees, no bed tax, no revenue for struggling homeowners trying to pay mortgages and property taxes, no revenue for stores and restaurants in town.

The only people who will survive this ordinance are people with deep pockets who probably don't even live here. Sounds sadly like the evolution of our cannabis ordinance.

Facts and circumstances should guide decision making. Be creative. Be a problem solver. If there are complaints, address the violators. One size does not fit all. We live in a big county. Let's embrace every aspect of it and help it thrive.

Planning and Building - that is your mission? This ordinance does neither.

Keenan, thanks for listening. Michelle, you know what Garberville is like, but maybe share with other supes? Off to work. Have a good weekend.

Gayle Arnoul

From: [John Lee](#)
To: [Hilton, Keenan](#)
Subject: STR ordinance
Date: Friday, August 25, 2023 3:29:33 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Keenan,

I hope you take time to read these emails. I could not attend the Mckinleyville meeting last night but will participate in the Sep 6 zoom meeting and if given the chance to speak, will revisit the content of this email

- I own an AOB home, built in 2014, on 10 acres, 1 mile north of Trinidad. Because of the size of the property, my neighbors are minimally affected by my STR. In fact, one of them also runs an Airbnb and their STR does not affect me.
- I live in the home full time but for 4 years have also rented out a private bedroom and bathroom, minimum 2 nights, maximum 7 nights, sealed off from the rest of the home and with a private entrance. It is limited to 2 people maximum. There is ample on site/off street parking and the home is 650' from the road, secluded by forest. Noise is not a problem.
- I run a tight ship and do not tolerate or allow any shenanigans. My neighbors have never complained nor has there ever been a reason to complain.

On the initial STR zoom meeting, you or John mentioned the reason for the AOB restriction was primarily due to the relaxed structural standards of AOB permits/builds.

- When I designed my home, I had a structural engineer perform all the load calcs on my plans so it would meet all load, wind shear and seismic standards. The foundation, floor joists, trusses, etc are excellent. My home is built like a fortress.
 - Even though AOB does not require railing on stairways or decks, of course I installed all of those safety measure.
 - I did not install a fire suppression sprinkler system. But if required to pass an STR permit inspection, I would be willing to install a ceiling mounted heat triggered fire extinguisher module (they are available) in my STR bedroom.
 - My rental is inappropriate for a LTR since I don't offer kitchen or laundry facilities. If forced to cease my STR I have no interest in an LTR.
 - Tourism is the only industry we have since timber, fishing and cannabis are all on life support. If every STR that doesn't meet your ordinance qualifications were to cease, there would not be enough bed inventory to support the tourism that this county so vitally needs. And if tourism in the north part of the county were to diminish, the ripple effect to all businesses (restaurants, stores, etc) could be devastating.
 - My STR generates \$4-5k in TOT revenue a year.
 - I am semi retired and rely on STR revenue to pay my property tax, PG&E bills and put food on my table. Losing that revenue would inflict a dire hardship on my continuing to live in Humboldt county.

I would really appreciate you considering an exception to the "No AOB" STR provision if the homeowners can meet an inspection that would convince planners the home is structurally safe. And I am very disappointed that your follow up revisions to the ordinance have steadfast ignored the need to have a path for AOB STRs to be permitted.

I also hope that you would not require a CDP for any STR in the coastal zone. The Coastal Commission does not want or have the resources to issue separate CDPs for every STR in the coastal zone of the county. I did not see any language in your ordinance draft revisions acknowledging this, but perhaps I overlooked that.

I would hope that you and John consider the ramifications to our county citizens lives, if your ordinance and actions eliminate hundreds of STRs. Those lives not only include the people who rely on STR revenue, but all the business that exist because of the tourism dollars that come into our county (in addition to the TOT). From the outside looking in, it seems the county planning team is apathetic to the consequences of this ordinance. Everyone should have a path to be able to comply

Thank you for reading my letter and I look forward to speaking out Sep 6. From what I've heard, my concerns are echoed by so many others.

John R. Lee

From: [johnlee](#)
To: [Hilton, Keenan](#)
Subject: RE: STR ordinance
Date: Wednesday, September 06, 2023 3:11:59 PM
Attachments: [image001.png](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Keenan,

I read the newest posted inland draft (9.1), because the coastal draft has not been posted. It was mentioned that it won't differ significantly from the inland version.

In response to what I've read and your response a few weeks ago to my email (below), as they pertain to my rental. But first, to reiterate details (in italics) on my home/rental:

- *I own an AOB home, built in 2014, on 10 acres, 1 mile north of Trinidad. Because of the size of the property, my neighbors are minimally affected by my STR. In fact, one of them also runs an Airbnb and their STR does not affect me.*

- *I live in the home full time but for 4 years have also rented out a private bedroom and bathroom, minimum 2 nights, maximum 7 nights, sealed off from the rest of the home and with a private entrance. It is limited to 2 people maximum. There is ample on site/off street parking and the home is 650' from the road, secluded by forest. Noise is not a problem.*

- *I run a tight ship and do not tolerate or allow any events, parties or crowds. 2 people maximum. My neighbors have never complained nor has there ever been a reason to complain. I like it quiet here, as do my guess and neighbors.*

- *When I designed my home, I had a structural engineer perform all the load calcs on my plans so it would meet all load, wind shear and seismic standards. The foundation, floor joists, trusses, etc are excellent. My home is built like a fortress.*

- *Even though AOB does not require railing on stairways or decks, of course I installed all of those safety measure.*

- *I did not install a fire suppression sprinkler system. But if required to pass an STR permit inspection, I would be willing to install a ceiling mounted heat triggered fire extinguisher module (they are available) in my STR bedroom.*

- *My rental is inappropriate for a LTR since I don't offer kitchen or laundry facilities. If forced to cease my STR I have no interest in an LTR.*

1. If I interpreted your response to me correctly (and the 9.1 draft), an AOB could gain a permit if the home met normal building permit qualifications at the time of the permit (in my case, 2014). However a special permit might also be granted if the property met a litany of other qualifications (owner lives in the home, large enough parcel size, no events, maximum of 4 guests, no infringement on adjacent neighbors etc)

a. I am confident I could meet all qualifications except fire suppression sprinkler system. I could possibly install a fire suppression sprinkler system in the rental bedroom & bathroom. But it would not be realistic to install a sprinkler system in the rest of the house. And I would actually prefer NOT to install a sprinkler system in the rental room. Have I interpreted this correctly?

I know you won't have time to respond to this email before tonight's meeting as you are undoubtedly trying to prepare for the meeting.

Perhaps I can ask this question tonight and possibly this question would be applicable to other host listening in. Otherwise, please respond sometime later when your schedule allows.

Thank you in advance.

Regards,
John R. Lee

From: "Hilton, Keenan" <KHilton@co.humboldt.ca.us>
Sent: 8/25/23 4:51 PM
To: John Lee <johnlee@apluselectronics.com>
Subject: RE: STR ordinance

Hi John,

Thank you for the thoughtful message. It has been added to the record. Below are several responses to points that you raised.

- Regarding AOB. We've worked with the Chief Building Official to find a solution: we propose that AOB owners would be able to seek an after-the-fact building permit pursuant to the building code in place at the time of AOB approval. So this means, for instance, if you got the AOB permit prior to when sprinklers were required by the building code, they would not be required for your after-the-fact permit.

-We've heard from the community a call for differentiation based on parcel size and based on owner-occupancy. We'll be looking at ways to include these updates in the next draft.

Thanks again for reaching out. I look forward to your continued participation in this important process.

Best,

Keenan



Keenan Hilton ([he/him](#))
Associate Planner
[Humboldt County Planning & Building](#)

Office: 707-445-7541

| Direct: 707-268-3722

-----Original Message-----

From: John Lee <johnlee@apluselectronics.com>

Sent: Friday, August 25, 2023 3:29 PM

To: Hilton, Keenan <KHilton@co.humboldt.ca.us>

Subject: STR ordinance

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Keenan,

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- When I designed my home, I had a structural engineer perform all the load calcs on my plans so it would meet all load, wind shear and seismic standards. The foundation, floor joists, trusses, etc are excellent. My home is built like a fortress.

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John R. Lee

From: [john rotter](#)
To: [Hilton, Keenan](#)
Subject: 60.05.7.4 Alternative Owner Builder
Date: Thursday, June 22, 2023 12:13:07 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Greetings;

I will not be able to participate in the incoming June 28 at 6 p.m. zoom meeting, however I would like to offer the following exception to 60.05.7.4.

My argument is that many AOB permitted structures are in compliance with HCZR and the Humboldt County Building Codes.

In coastal areas within CC jurisdiction and those in areas of non-certification building permits are subject to the HCZR and require a CDP from the County and the CC.

Additionally AOB permits when issued do not have a condition of approval that would exclude an AOB from becoming a Short term Rental.

If so, an applicant could have made the decision to go AOB or go with a standard building permit.

It would seem reasonable to make the following exception to 60.05.7.4

Exempt AOB's prior to the adoption of the moratorium or the proposal below.

60.05.7.4 Alternative Owner Builder. Dwellings permitted pursuant to the Alternative Owner Builder provisions of Section 331.5-4 of Division 3 of Title III of Humboldt County Code shall not be permitted as Short-term Rentals **unless 60.05.8.1 and all Humboldt County Building Codes for a standard building permit are met and construction is approved by the building Department .**

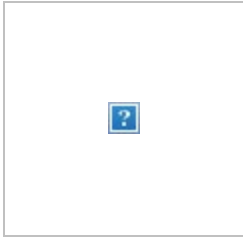
60.05.8 Standards. Short-term Rentals shall meet the following standards

60.05.8.1 Inspection. **All Short-term Rentals shall be inspected for safety and approved for use as a Short-term Rental by the Chief Building Official or designee**

Thanks,
John Rotter

From: [Ford, John](#)
To: [Hilton, Keenan](#)
Subject: FW: AOB-STR Hardships
Date: Tuesday, August 01, 2023 3:09:31 PM
Attachments: [image001.png](#)

John H. Ford
Director of Planning and Building
(707) 268-3738



From: john rotter <jrotter1948@gmail.com>
Sent: Thursday, July 27, 2023 11:06 AM
To: Ford, John <JFord@co.humboldt.ca.us>
Cc: Madrone, Steve <smadrone@co.humboldt.ca.us>; Bohn, Rex <RBohn@co.humboldt.ca.us>; Bushnell, Michelle <mbushnell@co.humboldt.ca.us>; Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>; Arroyo, Natalie <narroyo@co.humboldt.ca.us>
Subject: AOB-STR Hardships

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Planning Director John Ford and members of the Board of Supervisors,
SUBJECT:

Draft Short-Term Rental ordinance is inconsistent with Section 331.5-3 of Division 3 of the AOB code

I would like to comment on 61.05.7.4. (Coastal) and 60.05.7.4 (Inland) *Alternative Owner Builder* of the Draft STR Proposal.

61.05.7.4. (Coastal) and 60.05.7.4 (Inland) *Alternative Owner Builder. Dwellings permitted pursuant to the Alternative Owner Builder provisions of Section 331.5-3 of Division 3 of Title III of Humboldt County Code shall not be permitted as Short-term Rentals.*

I contacted planning requesting more information as to why AOB dwellings shall not be permitted as Short Term Rentals. I was told that an AOB dwelling *is to be used solely by the owner of the dwelling, therefore cannot receive a STR permit...*

The section of 331.5-3 of the AOB code used to define 61.05.7.4. (Coastal) and 60.05.7.4

(Inland) Alternative Owner Builder reads:

“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...”

However, the entirety of 331.5-3 contains an exception and reads as follows:

*.... Such dwellings and appurtenant structures shall include seasonally or permanently occupied dwellings, hunting shelters, vacation homes, recreational shelters and detached bedrooms used solely by the owner of the dwelling **except for owner-built accessory dwelling units which may be used by persons other than the owner of the dwelling. (Ord. 1644, § 2, 7/17/1984; Ord. 2656, § 1, 10/27/2020)***

Although the proposed draft Short-Term Rental ordinance does not create a new prohibition on use of AOB structures being used as short-term rentals nor does it propose changes to the AOB code, the omission of this exception creates a hardship for AOB owners. It prohibits anyone who has AOB dwelling from obtaining a STR permit. This would hold true for all future AOB applicants as well. The exclusion of this exception is inconsistent with the intent of Section 331.5-3 of Division 3 of Title III of Humboldt County Code and only serves as a means to restrict an AOB from obtaining a STR permit

If the Alternative Owner Builder Code is to be specific to the Short Term Rental Ordinance, then the ordinance should read as follows:

*61.05.7.4. (Coastal) and 60.05.7.4 (Inland) Alternative Owner Builder. Dwellings permitted pursuant to the Alternative Owner Builder provisions of Section 331.5-3 of Division 3 of Title III of Humboldt County Code shall not be permitted as Short-term Rentals **except for owner-built accessory dwelling units which may be used by persons other than the owner of the dwelling.***

Hopefully this will be put on the table as the Draft STR Proposal moves forward.

Thank you,

John Rotter

From: [Hilton, Keenan](#)
To: [Madrone, Steve](#); [john rotter](#)
Cc: [Ford, John](#); [Russell, Robert](#); [McNamara, Cade](#); [Richardson, Michael](#)
Subject: RE: Short Term Rental /AOB
Date: Monday, June 26, 2023 2:46:00 PM

Good afternoon Mr. Rotter and Supervisor Madrone,

Thank you both for the comment and for the response. I want to echo the point you made Supervisor Madrone, and add a little more for consideration.

1. Short-term rentals are not a permitted use in the unincorporated areas of Humboldt County except for in the inland area of Shelter Cove
2. The proposed draft Short-term Rental ordinance does not create a new prohibition on use of AOB structures being used as short-term rentals. The intent of AOB as it exists today is for owners to have relaxed standards for their own use an enjoyment. This is made clear in section 331.5-3 of the AOB code itself which reads: "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**..." Staff is not proposing changes to the AOB code at this time.
3. An available option might be to go through the building permit process to make the structure fully permitted, not subject to AOB regulations and therefore eligible for use as a STR.

If you aren't able to attend the zoom meeting, we will record it and make it available on the Short-term rental webpage as well as the county youtube channel. There will also be more opportunities to participate in the public process as the ordinance goes before the Planning Commission and eventually before the Board of Supervisors.

Please don't hesitate to reach out with further questions or concerns. Thank you,
Keenan

Keenan Hilton, Associate Planner
Long Range Planning
Humboldt County Planning and Building Department
(707) 268-3722

From: Madrone, Steve <smadrone@co.humboldt.ca.us>
Sent: Monday, June 26, 2023 10:00 AM
To: john rotter <jrotter1948@gmail.com>; Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: Re: Short Term Rental /AOB

Hello John. I assume you know that STR are not permittable at this time any where in the county but a small zone in Shelter Cove. That being said we are developing an ordinance to allow for them under certain circumstances. There are pros and cons. Zoom input mtg this Weds. See Planning Dept notice at their website. Steve

Steve Madrone

County of Humboldt

Supervisor, District 5

(707) 476-2395

From: john rotter <jrotter1948@gmail.com>

Sent: Sunday, June 25, 2023 2:10 PM

To: Madrone, Steve <smadrone@co.humboldt.ca.us>; Hilton, Keenan <KHilton@co.humboldt.ca.us>

Subject: Short Term Rental /AOB

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi Steve,

60.05.7.4 Alternative Owner Builder. Dwellings permitted pursuant to the Alternative Owner Builder provisions of Section 331.5-4 of Division 3 of Title III of Humboldt County Code shall not be permitted as Short-term Rentals.

I have a small AOB permitted cabin in Trinidad that I use at times for a short term rental. I have a concerns about the changes to my AOB permit by a proposed after the fact restriction of use.

The place to define or add restrictions and conditions of use for an AOB permit should be addressed when the AOB permitting process is before the Board.

The Board could propose a path forward for a permit conversion from AOB to Regular Permit.

Thanks,

John Rotter

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