

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of September 1, 2020

ORDINANCE NO. 2650

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, of Division 1 of Title III of the County Code 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314-87.1 regarding Secondary Dwelling Units in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby repealed and replaced by 314-69.05 as follows: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 JADU is within a single-family 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, driveways, utilities 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, non-reflective materials; and no more than 10% of the exterior may be reflective in 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):

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 (½) 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, for 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.)

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 1st day of September 2020, by the following vote, to wit:

- AYES: Supervisors: Bass, Fennell, Bohn, Madrone
- NOES: Supervisors: Wilson
- ABSENT: Supervisors:
- ABSTAIN: Supervisors:

Estelle Fennell, 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