



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Date: Meeting of March 5, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: Public Workshop on the Draft Accessory Dwelling Unit (ADU) Ordinance

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Commission Action	3
Attachments	
Attachment 1: Draft ADU Ordinance	5

Please contact Michael Richardson, at 707-268-3723 or mrichardson@co.humboldt.ca.us if you have any questions about the ADU workshop.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
March 5, 2020	Draft Accessory Dwelling Unit (ADU) Ordinance Workshop	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. Further changes to state law in 2019 further relaxed the standards for development of ADUs. The proposed ordinance attempts to clarify the County's standards consistent with state law. This workshop is intended to introduce the Planning Commission to the proposed new ordinance, and provide an early opportunity for the public to address the Planning Commission on the new ordinance.

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: This is a workshop where no action will be taken by the Planning Commission, and therefore CEQA compliance is not required.

State Appeal Status: The Planning Commission will not be taking any action on the project at the workshop, and therefore there will be no action to appeal.

PLANNING COMMISSION ADU ORDINANCE WORKSHOP

Recommended Commission Action

1. Describe the project as a Planning Commission workshop to receive and discuss the draft ADU ordinance;
2. Request that staff present the background information;
3. Receive public comment; and
4. Deliberate and comment on the draft ADU ordinance.
5. Continue the Public Hearing to April 2, 2020.

DISCUSSION:

Humboldt County, like all of California, continues to experience a serious shortage of affordable ownership and rental housing. One solution that has been used for some time to ease the housing shortage and make better use of the existing housing stock and infrastructure is to encourage in urban areas the creation of an additional residential dwelling by converting a garage into a studio apartment, or by building a new detached unit on sites with adequate space. These additional residential units have been variously referred to as "accessory dwelling units," "secondary residential units," "residential second units," "granny flats," "in-law-units," "accessory apartments," and "companion dwelling units." With the 2019 changes to state law, they are now simply referred to as Accessory Dwelling Units or "ADUs".

Legislative findings and declarations have associated many benefits with the creation of ADUs:

- 1) Addresses the critical lack of affordable housing in the state;
- 2) Provides additional rental housing stock in single-family or multifamily residential zones;
- 3) Provides a cost-effective means of serving development using existing infrastructures, as contrasted to requiring the construction of new costly infrastructures to serve development in undeveloped areas;
- 4) Providing relatively affordable housing for low- and moderate- income households without public subsidy;
- 5) Providing a means for purchasers of new or existing homes, or both, to meet payments on high interest loans;
- 6) Providing security for homeowners who fear both criminal intrusion and personal accidents while alone.

The accessory dwelling unit solution also provides many other benefits to the local citizenry such as providing supplemental income which help offset mortgage and maintenance expenses, hence easing the burden of house ownership. It is a decentralized, self-regulating low income housing program that does not require the overhead expense and complexity of big government grant programs, centralized government, subsidized apartment complexes, or bureaucratic housing administration and maintenance agencies.

In the 35+ years which have passed since the enabling legislation was adopted, accessory dwelling units have proved to be some of the most affordable housing for low and very low income households. A 2006 survey showed 85% of the second units permitted were affordable to low and very low income households. ADUs are the lowest cost to construct, have the lowest environmental impacts, and are the most completely dispersed lower income housing currently produced in the County.

The Legislature further updated ADU law effective January 1, 2018, allowing ADUs to be built concurrently with a single-family home, opening areas where ADUs can be built to include all zoning districts that allow single family and multifamily uses, modifying fees from utilities, and reducing parking requirements.

The legislation that took effect in 2018 nullifies existing local ordinances that conflict with provisions of GOV 65852.2(a)(4), but local jurisdictions may continue to regulate by ordinance within the state provisions. The proposed inland Accessory Dwelling Unit Ordinance would modify existing Humboldt County Code to comply with state mandates, implement General Plan and Housing Element policies and standards, and regulate to protect health, safety, and open space to the extent allowed by law.

The ordinance permits development of ADUs without discretionary review in all areas of the County where single family residential uses are allowed, as long as the unit complies with general provisions and development standards. Accessory dwelling units may not be rented for periods less than 30 days, and the owner must occupy either the primary or accessory unit, as recorded in a deed restriction.

Other changes resulting from the 2017 legislation include that ADUs need not be subordinate to the primary dwelling; that a primary dwelling may be either existing or proposed; and that utility fees for ADUs, such as special districts and water corporations, are modified. Additional parking is not required if the accessory dwelling unit (1) is located within one-half mile of public transit; (2) is within an architecturally and historically significant district; (3) is part of the proposed or existing primary residence or an existing accessory structure; (4) requires on-street parking permits, but these are not offered to the occupant of the accessory dwelling unit; or (5) has a car share vehicle located within one block of the accessory dwelling unit. Further changes to state law in 2019 further incentivized ADU construction by further relaxing standards. The draft ADU ordinance in Attachment 2 will bring the County's zoning ordinance current with these new state laws.

Relationship to Tiny Houses

In the draft ADU ordinance, ADUs are not all "tiny houses," but a tiny house can be an ADU if it is on a permanent foundation and meets other requirements of ADUs. Moveable Tiny Houses built on a chassis for mobility can be ADUs if they meet certain stability and sanitation standards. This is an area where the County's ordinance goes beyond the requirements fo state law in encouraging ADU construction.

ADU Prohibition Area for Health, Safety, and Open Space

Although state law limits how local jurisdictions can regulate ADUs, agencies can designate location criteria based on the adequacy of water and sewer services, the impact of ADUs on traffic flow and public safety¹, and the necessary protection of open space as set forth in the general plan². The ordinances proposed here simplify the analysis for potential builders by mapping and or describing areas where one or more of these reasons presumptively exist, making construction of ADUs inappropriate. These reasons are:

- Lots served by a road not meeting fire safe standards for width, surface, grade, or dead end road length;
- Lots not meeting density or open space requirements of adopted Airport Land Use Compatibility Plan (ALUCP);
- Inadequate water and sewer availability;
- Flood and tsunami hazards; and
- Lack of fire protection services.

¹ GOV 65852.2(a)(1)(A).

² GOV 65567. "[A] building permit may not be issued on lands designated as open space."

ORDINANCE NO. _____

DRAFT

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

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

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

SECTION 2. ACCESSORY DWELLING UNIT ORDINANCE

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

314-87.1 ACCESSORY DWELLING UNITS

87.1.1 Purpose and Findings.

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

87.1.2 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 87.1.3 are met, and the ADU meets the Development Regulations and Standards of section 87.1.4.

ADUs may be excluded or may require a Special Permit in certain designated areas (ADU Special Permit Area) as described in section 87.1.6, based on adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Outside the ADU Special Permit Area, an ADU that cannot meet all the criteria in subsection 87.1.4 may still be permitted with a Special Permit under certain circumstances.

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.

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.

87.1.3 General Provisions that Apply to All ADUs.

The following provisions apply to all ADUs.

87.1.3.1 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 87.1.3.9.](#)

87.1.3.2 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.

87.1.3.3 Renting Permitted.

The ADU may, but need not be, rented.

87.1.3.4 Short-term Lodging Prohibited.

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

87.1.3.6 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.

87.1.3.6.1 Manufactured Homes as Accessory Dwelling Units.

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

made materials of a non-reflective nature.

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

87.1.3.6.2 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 87.1.5, is deemed a single-family dwelling and is allowed as an ADU.

87.1.3.7 Sewer and Water Service.

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

87.1.3.8 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.

87.1.3.9 ADU and JADU Configurations Within Residential and Mixed Use Zones

For purposes of this section, a junior accessory dwelling unit is an attached unit 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:

87.1.3.9.1 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 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 space 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.

87.1.3.9.2 New Detached ADU

One detached, new construction, accessory dwelling unit with minimum four-foot side and rear

yard setbacks for a lot with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with an accessory dwelling unit or a junior accessory dwelling unit within an existing single family structure or accessory structure as described in subsection 87.1.3.9.1 if:

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

87.1.3.9.3 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.

87.1.3.9.4 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 Development Regulations, Standards, and Applicable Codes.

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

87.1.4.1 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:

87.1.4.1.1 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 87.1.4.1.4, unless the accessory dwelling unit was constructed with a new single-family dwelling.

87.1.4.1.2 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.

87.1.4.1.3 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 87.1.3.9.1, unless the accessory dwelling unit was constructed with a new single family dwelling.

87.1.4.1.4 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 87.1.3.9.1, 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 Section 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.

87.1.4.1.5 Districts Under Moratoria or Compliance Orders

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

87.1.4.2 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.

87.1.4.3 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 area of floor space 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.

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

87.1.4.4 Sprinklers

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

87.1.4.5 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.

87.1.4.6 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.

87.1.4.6.1 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.

87.1.5 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:

87.1.5.1 Skirting.

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

87.1.5.2 Foundation or Pad

87.1.5.2.1 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.

87.1.5.2.2 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.

87.1.5.2.2.1 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.

87.1.5.2.2.2 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.

87.1.5.3 Mechanical equipment

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

87.1.5.4 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.

87.1.5.5 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.

87.1.5.7 Design standards.

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

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

87.1.6 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) Inadequate emergency access in high fire hazard areas, outside a Fire Protection District;
- (b) Airport incompatibility;
- (c) Areas of active or historic landslides, or areas of potential liquefaction;
- (d) Areas of inadequate water supply for existing planned uses;
- (e) Flood and tsunami hazards;
- (f) Proximity to toxic cleanup sites as designated by California Department of Toxic Substances; and
- (g) Sites designated a historical resource or a tribal cultural resource pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

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.

87.1.7 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.

87.1.8 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).

314-154 DEFINITIONS (S)

Delete current definition, "secondary dwelling unit".

314-155 DEFINITIONS (T)

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

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

314-148 DEFINITIONS (M)

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

1. Is licensed and registered with the California Department of Motor Vehicles and meets ~~ANSI 449.2~~ NFPA 1192 standards or ANSI 119.5 requirements as certified 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.

SECTION 4. OTHER ZONING ORDINANCE CHANGES

Short summary for sections below:

Replace “Second Unit” with Accessory Dwelling Unit throughout.
 Update Use Classifications
 Update Use Type Definitions
 Update Use Tables

314-163 LISTING OF USE CLASSIFICATIONS

163.1.8 Residential Use Types

- Guest House (allowed in RA)
- Manufactured Home Park (prohibited in F)
- Residential Uses Subordinate to the Permitted Use (allowed in C-3)

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

314-22.2.3 Specific Determination of Greenway and Open Space Boundary

22.2.4.3 Other Provisions for Greenway Bench Development.

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

314-22.2.5 Density Bonus

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

314-109.1 OFF-STREET PARKING

109.1.3 Parking Spaces Required.

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

109.1.3.1 Residential Uses.

109.1.3.1.1 One-Family and Two-Family Dwellings.

109.1.3.1.1.1 Spaces Required, Setback

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

~~109.1.3.1.1.1.1 Housing Opportunity Zone Exceptions.~~

~~Within mapped Housing Opportunity Zones, the parking required in 109.1.3.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Also, one half (½) of the required parking spaces, or one (1) required parking space, whichever is greater, may be located within the front yard setback.~~

109.1.3.1.1.1.2 Accessory Dwelling Unit Exception

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 specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

109.1.3.1.1.1.2 Parking Standards Waived for Certain ADUs

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

314-177 RESIDENTIAL USE TYPES

177.5 Accessory Dwelling Unit (Second Residential Unit).

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

SECTION 6: GENERAL PLAN AND COMMUNITY PLAN CHANGES

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

SECTION 7: BUILDING CODE CHANGES

Modify Alternative Owner Builder regulations to allow construction of ADUs; delete one AOB permit per year per owner limitation; adopt Appendix Q Tiny Houses.