

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of October 27, 2020

RESOLUTION NO. 20-101

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT RESOLUTION MAKING FINDINGS TO AMEND SECTIONS 331-12 AND 331.5 OF CHAPTER 1.5 OF DIVISION 3 OF TITLE III OF HUMBOLDT COUNTY CODE (ALTERNATIVE OWNER-BUILDER REGULATIONS) TO IMPLEMENT THE ACCESSORY DWELLING UNIT ORDINANCE, AND MAKING SUPPLEMENTAL FINDINGS FOR THE 1984 ALTERNATIVE OWNER BUILDER ORDINANCE

WHEREAS, under California Health and Safety Code Sections 17958 and 17958.2 a county may adopt and modify the regulations for Limited-Density Owner-Built Rural Dwellings (“LDOBRD”), as codified in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, if the governing body makes findings that the application of those regulations is reasonably necessary because of local conditions; and

WHEREAS, in July of 1984 the Board of Supervisors adopted Chapter 1.5, Modified Limited Density Owner-Built Rural Dwelling Regulations (“Alternative Owner Builder”, or “AOB Code”); and

WHEREAS, findings set forth in the 2019 Housing Element Update support H-P15, a measure to facilitate alternative owner-built residences as low-cost housing; and

WHEREAS, a series of public hearings was held 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 deliberated on the proposed AOB amendments; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review, recommended the Board of Supervisors approve the amendments to the Alternative Owner-Builder Code; and

WHEREAS, on September 1, 2020 the Board of Supervisors introduced by title the AOB Ordinance Amendments and held a public hearing on them, received public comments, and reviewed and considered all public testimony and evidence presented at the hearing and directed staff to set for adoption the amendments at least one week away which also involved directing the Clerk of the Board to publish a Summary for Publication prior to adoption of the ordinance; and

WHEREAS, a summary of the Ordinance was published on September 14, 2020 advertising an October 6, 2020 meeting for adoption, and

WHEREAS, on October 6, 2020 the Board of Supervisors approved a continuance of the adoption of the AOB Ordinance Amendments to the meeting of October 27, 2020,

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

Findings supporting AOB Amendments of September 1, 2020 Implementing the
 Accessory Dwelling Unit Ordinance:

THE MODIFICATIONS TO ARTICLE 8 OF TITLE 25 AS SHOWN IN THE AOB ORDINANCE AMENDMENTS IN ATTACHMENT 2 ARE NECESSARY BECAUSE OF LOCAL CONDITIONS		
1.	CHANGE HCC §§ 331-12, 331.5-7	The modifications to the AOB ordinance in Attachment 2 increases the allowed frequency of building permits for AOB construction from one per person per five-years to one per person per two-years.
	FINDING:	Increasing the number of AOB homes that can be built by an individual from one-per-five-years to one-per-two-years will facilitate the construction of ADUs permitted under the AOB Ordinance which is expected to reduce the cost of new housing in rural areas of Humboldt County and help the County meet its affordable housing needs.
	EVIDENCE:	a) Presently the AOB Ordinance allows a property owner to construct one home per five year period. The proposed amendments to the AOB ordinance would allow a property owner to construct one AOB home every two years, which increases the likelihood ADU's will be constructed as AOB units.
		b) The 2019 Housing Element documents that AOB units are more likely to be affordable than conventionally built homes because of reduced permit requirements and allowances for the use of alternative building materials, including wood produced on-site.
		c) The 2019 Housing Element also documents that ADU's are more likely to be affordable than other homes because they tend to be smaller and occur on properties of reduced permit requirements and allowances for the use of alternative building materials, including wood produced on-site.
		d) The 2019 Housing Element also documents that housing prices in Humboldt County are too expensive for many Humboldt County residents and identifies a number of policies and programs for the County to make housing more affordable to residents, including Policy H-P15, a measure to facilitate AOB residences as low-cost housing.
2.	CHANGES HCC §§ 331.5-2, 3, 5, and 6	Article 8 of Title 25 of the California Code of Regulations contemplates a single-family dwelling as eligible for an AOB permit, but is silent on accessory dwellings units. Changes to the AOB code in Attachment 2 removes the owner-occupancy requirement for ADUs, thereby allowing the simplified and streamlined AOB building standards to apply to ADUs in eligible rural areas.
	FINDING:	Allowing the AOB building standards to apply to ADUs will facilitate the construction of ADUs permitted under the AOB Ordinance which is

			expected to reduce the cost of new housing in rural areas of Humboldt County.
	EVIDENCE:	a)	The 2019 Housing Element documents that AOB units are more likely to be affordable than conventionally built homes because of reduced permit requirements and allowances for the use of alternative building materials, including wood produced on-site.
		b)	The County's ADU Ordinance limits principally permitted ADU's to 1,200 square feet or less in size, which is smaller than most new AOB homes constructed in Humboldt County. Smaller-sized homes reduce construction costs compared to primary dwellings by reducing the costs of materials and labor.
3.	FINDING:		Amendments to the AOB Ordinance are consistent with housing goals expressed in the Humboldt County General Plan to provide a supply of affordable housing to all residents at all income levels, including those in remote and rural areas.
	EVIDENCE:	a)	H-G2, Housing Diversity, states the goal of an adequate supply of all types of affordable housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.

Reaffirming the findings made for adoption of the original AOB Ordinance on July 26, 1984:

ADOPTION OF TITLE 25, ARTICLE 8 LIMITED DENSITY OWNER-BUILT RURAL DWELLING REGULATIONS IN EXHIBIT B OF THIS RESOLUTION IS NECESSARY BECAUSE OF LOCAL CONDITIONS.			
1.	FINDING:		Local climatic, geological, and topographical conditions in Humboldt County make it necessary to adopt the provisions of Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1, Title 25 of the California Code of Regulations, regulations for Limited Density Owner-Built Rural Dwellings.
	EVIDENCE:	a)	Aerial imagery publicly available on the County's web-based Geographic Information System (webGIS) through the County's website (humboldt.gov) shows there are extensive rural areas in Humboldt County that are sparsely populated with single family homes.
		b)	Aerial imagery on the webGIS shows many of these rural areas are isolated from more urban areas of the County by few roads and long distances that increase travel times between rural and more urban areas.
		c)	Aerial imagery and layers showing the boundaries of community service districts and topographic contours shown on the webGIS show that in many rural areas of the County, the provision of typical community services such as sewer and water is inhibited by the mountainous topography.

2.	FINDING:		Section 331.5-4 of the AOB Ordinance, Existing Buildings, adds procedures for AOB permitting of existing structures to address local conditions.
	EVIDENCE:	a)	Article 8 of Title 25 of CCR does not expressly address permitting of existing structures.
		b)	Local conditions including steep topography and long distances to population centers make normal permitting through Title 24 exceedingly difficult in rural areas of the County due to their isolation from more urbanized parts of the County.
		c)	The 2019 Housing Element documents that a large number of owner-built dwellings in rural parts of the County were built without permits prior to 1984.
			Allowances for permitting existing unpermitted dwellings is necessary to encourage local compliance with applicable building codes, and to protect public health and safety.
3.	FINDING:		Section 331.5-7, Frequency of Permits, limits building permits for construction of owner-built, owner occupied dwellings in rural areas to one per property owner in a five-year period to address local conditions.
	EVIDENCE:	a)	Article 8 of Title 25 of CCR does not expressly restrict the number of AOB permits issued to individuals in a time period.
		b)	The AOB regulations are intended to reduce costs and permit processing times for rural residents engaged in living on their land. There was concern expressed at that time that individuals could take advantage of the AOB Ordinance allowances in ways that would be detrimental to residents in rural areas.
			Limiting the number of permits issued to individual to one every five years was intended to ensure the AOB Ordinance did not have unintended adverse impacts on rural areas. Note: proposed amendments to the AOB ordinance for the ADU allowances reduces the limit to one in two years (see above).
4.	FINDING:		Section 331.5-12 allows permits issued for initial construction to be valid without renewal for five years, with a possible 1-year extension to address local conditions.
	EVIDENCE:	a)	Article 8 of Title 25 of CCR limits the term of valid permits to 3 years after issuance.
		b)	Remoteness of sites and difficult access make permitting new homes through Title 24 exceedingly difficult in rural areas of the County. These same conditions make completion of home construction projects difficult.

		c)	Extending the timeframe of active AOB permits to five years encourages AOB permit holders to complete construction of their homes. This, combined with an allowance for occupancy during construction, increases affordability of the home construction process of rural dwellings
5.	FINDING:		Section 331.5-17 adds requirements in the event of a change of occupancy of an AOB structure, applicants must file either a statement identifying the structure as owner-built, or bringing the structure into compliance with Art. 8 or the appropriate Uniform Building Code standard to address local conditions.
	EVIDENCE:	a)	Article 8 of Title 25 of CCR restricts sale of an AOB home within one year of completion, but is silent on change of occupancy.
		b)	The change of occupancy procedures are intended to disclose to new occupants of homes constructed through the AOB program compliance with the AOB Ordinance rather than the standard uniform building codes. In this way Humboldt County is encouraging fully informed decision-making for those living in AOB homes constructed by someone else.

Environmental Review:

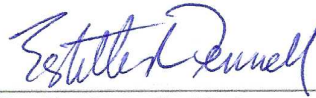
CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).			
5.	FINDING:		The proposed 2020 amendments to the Alternative Owner-Builder Code are exempt from environmental review per CEQA Guidelines Section 15061(b)(3), the common sense exemption.
	EVIDENCE:	a)	The Building Code amendments are exempt from environmental review under that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

NOW THEREFORE, be it resolved that the Board of Supervisors hereby:

1. Directs Planning Department staff to file the this Resolution and the AOB Ordinance Amendments with the State Department of Housing and Community Development and the California Building Standards Commission as required by state law.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on October 27, 2020 by the following vote:

Dated: October 27, 2020 .



Estelle Fennell, Chair
Humboldt County Board of Supervisors

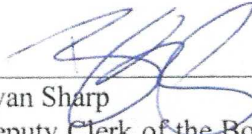
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

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

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California