



COUNTY OF HUMBOLDT

Legislation Text

File #: 20-1325, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Building Code Amendments Implementing the Accessory Dwelling Unit Ordinance

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution (Resolution 20-__ (Attachment 1)) making all the required findings for approval of the Alternative Owner Builder (AOB) Ordinance amendments;
2. Adopt the attached ordinance (Ordinance No. ____ (Attachment 2)) amending the existing AOB Ordinance (Sections 331-12 and 331.5 of Title III, Division 3, Chapter 1 of the Humboldt County Code) and incorporating by reference Appendix Q of the 2019 California Building Standards Code, *Tiny Houses* (Section 331-11 in Chapter 1 of Division 3 of Title III of the Humboldt County Code);
3. Direct the Planning and Building Department to transmit the Building Code Amendments to the State Department of Housing and Community Development and the California Building Standards Commission and file a Notice of Exemption with the Humboldt County Recorder's Office, and
4. Direct the Clerk of the Board to publish a summary of the Ordinance amendments within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against each ordinance (Attachment 3) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance.

SOURCE OF FUNDING:

The salary funding for preparing this staff report is included is in the General Fund contribution to the Long Range Planning unit, 1100-282.

DISCUSSION:

On September 1, 2020 the Board of Supervisors approved Zoning Ordinance amendments to establish guidelines for approval of Accessory Dwelling Units (ADU's) and set in motion related amendments to the County's Building Codes to amend the Alternative Owner Builder (AOB) Ordinance to allow ADU's to be built by owner-builders, and incorporate by reference building codes for Tiny Houses that can be used as ADU's. This item completes the adoption of these Building Code Amendments. It was preceded by a

consent item to continue this matter from the October 6, 2020 hearing date to October 27, 2020 to allow more time for staff to prepare the staff report.

HCD Review

California Health and Safety Code (HSC) Sections 17958 and 17958.2 describe procedural requirements for making changes to the County's Building Codes for Alternative Owner-Builders.

For the Alternative Owner-Builder Ordinance Amendments to become effective, the county must file with the State Department of Housing and Community Development (HCD) and the California Building Standards Commission (CBSC) a copy of the changes or modifications along with findings made by the Board providing the rationale for the Amendments. The attached Resolution makes the required findings and directs staff to transmit them and the Ordinance to HCD for review.

In preparing the attached Resolution, staff was unable to locate documentation the Board of Supervisors made the required findings for the original AOB Ordinance or that it was sent to HCD and the CBSC for review after it was adopted in 1984. Accordingly, taking a "belt and suspenders" approach, the attached Resolution includes the required findings for the 1984 AOB Ordinance amendments as well. The amendments must be "reasonably necessary because of local climatic, geological, or topographical conditions" (Section 17958.5 of the Health and Safety Code).

The Resolution describes how conditions favoring the adoption of the AOB regulations in 1984 still exist. Although population has increased since 1984, extensive rural areas of Humboldt County are still sparsely populated, and utility services are cost prohibitive and difficult or impossible to obtain. These rural areas are isolated from major urban areas by geography, including mountainous divides bounded by steep terrain and incised stream valleys. In these rural areas, requirements of standard building codes that apply in more developed areas of the County can create an unreasonable burden to property owners seeking to build, restore, or maintain dwellings. Relaxing standard building codes in these rural areas through the AOB Ordinance balances the need to protect public health and safety while also simplifying and streamlining the building permit process.

Environmental Review

The proposed Building Code amendments are exempt from environmental review under CEQA Guidelines Section 15061(b)(3) the common sense exemption, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FINANCIAL IMPACT:

Staff costs for preparation and review of the ordinance total approximately \$5,000 at the time this report was drafted. Transmitting the ordinances to HCD, training staff and publishing public information guides will add approximately \$2,000 to the cost. The salary funding for this work is included in the General Fund contribution to the Long Range Planning unit, 1100-282.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by protecting vulnerable populations creating opportunities for improved safety and health; and facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT:

California Department of Housing and Community Development

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to adopt the ordinance but that is not recommended because doing so will not facilitate construction of AOB homes and Tiny Houses as ADU's.

ATTACHMENTS:

1. Resolution Making Required Findings for Approval of the Alternative Owner-Builder Ordinance Amendments (Sections 331-12 and 331.5 of Chapter 1, Division 3 of Title III, Humboldt County Code).
2. Ordinance Amending the Alternative Owner-Builder Ordinance Chapter 1.5 of Division 3 of Title III of Humboldt County Code and adopting by reference 2019 California Building Standards Code Appendix Q, Tiny Houses to the Building Code.
3. Post-Approval Ordinance Summary.

PREVIOUS ACTION/REFERRAL:

Board Order No.: [Click or tap here to enter text.](#)

Meeting of: September 1, 2020, October 6, 2020

File No.: 20-1026 (September 1, 2020), 20-1299 (October 6, 2020)