

<p style="text-align: center;">TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</p>

PROJECT TITLE: Regulations for Limited Density Owner-Built Rural Dwellings

APPLICANT: Trinity County

PROPERTY OWNER: Not applicable

REPORT BY: Margaret Long, County Counsel

LOCATION: County-wide

GENERAL PLAN DESIGNATION: Various, see discussion below.

ZONING DISTRICT: Various, see discussion below.

SITE CHARACTERISTICS: Not applicable

INTRODUCTION AND BACKGROUND:

Limited Density Rural Dwellings, often called Class K housing, were developed in the 1970s as Appendix K of the building code, and reduces the minimum requirements for owner-built rural structures, while establishing reasonable health and safety standards. Class K housing regulations do not change Fire Code requirements or the septic and water supply requirements.

The proposed Ordinance adds a section entitled, “Regulations for Limited Density Rural Dwellings,” to Chapter 15 of the Trinity County Code. This includes parcels that are over 2.5 acres in size and located in the following Zoning Districts: Unclassified (U), Agricultural Preserve (AP), Rural Residential (RR) Agriculture – Forest (AF) and Agriculture (A) zones. The Ordinance establishes provisions to support the use of alternative construction design, materials, and methods that provide enhanced protection of the environment; improve the economic viability of sustainable construction methods; aid affordability when performing construction improvements; increase participation and consumer protection through promoting lawful construction activity; and enhance owner equity in the improvement of property.

ENVIRONMENTAL REVIEW: Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 15060(c)(2) (activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the

following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinances to ensure protection of the environment), 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including, but not limited to, by direct referral to County Counsel as appropriate for judicial enforcement), 15302 (replacement or reconstruction) and 15303 (new construction or conversation of small structure e.g. a residential accessory building).

STAFF RECOMMENDATION: Staff requests the Planning Commission provide direction regarding the following items within the proposed ordinance:

1. Are the following the proper zones to allow Class K housing: Unclassified (U), Agricultural Preserve (AP), Rural Residential (RR) Agriculture – Forest (AF) and Agriculture (A)?
2. What size parcel should Class K housing be allowed on? A minimum of 2.5 or 5 acres?
3. Should permits be valid, without renewal, for a maximum period of three years or longer/shorter?
4. Should temporary occupancy prior to the completion of the entire structure shall be allowed?

ATTACHMENTS:

A – Draft Regulations for Limited Density Rural Dwellings.

ORDINANCE NO. 315-XXX

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ESTABLISHING LIMITED DENSITY RURAL DWELLINGS**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

Section I: Findings and Declarations:

- A. The purpose of this ordinance is to provide minimum requirements for the protection of life, limb, and welfare of the general public, and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures.
- B. Intent and Application: The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures.

It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest homes, vacation homes, recreational shelters, and detached bedrooms located in rural areas.

C. Findings:

- 1. The citizens of Trinity County have, through public hearings around the most recent Housing Element of the General Plan, expressed their desire to legalize the construction of limited density rural dwelling.
- 2. Trinity County is a rural county. The distance and terrain of the County create a certain degree of isolation for many parts of the County, creating a difficulty for both the builder and the inspector in any construction.
- 3. The adoption of regulations for limited density rural dwellings will not constitute a danger to the health and safety of Trinity County as long as standards for electrical, mechanical, and sanitation facilities are maintained.
- 4. Affordable housing is hard to find in Trinity County and the adoption of regulations for limited density rural dwellings will allow the construction of such housing.
- 5. Building codes are complex, and in many cases designed for high density areas of the state, and may increase the price of a dwelling as to put it out of reach for the owner-builder.
- 6. Having these regulations apply to homes built by a contractor for an owner will enable owner-builders to obtain skilled help from licensed contractors.

Section II: Limited Density Rural Dwellings

The County hereby enacts the following as Trinity County Code Section 15__ entitled Limited Density Rural Dwellings:

15. ____ .010 - Definitions

A. Appurtenant Structure:

A "Appurtenant Structure" is a structure directly related to the primary residential use, including, but not limit to, detached bedrooms or hobby rooms used as living space, garages, or pump houses. Appurtenant structures also include, are not limited to, shops, barns, sheds, including those considered accessory to the zone.

B. Detached Bedroom:

A "Detached Bedroom" shall mean a separate accessory structure without kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for one family to be employed in conjunction with a main structure, which includes kitchen and sanitation facilities.

C. Enforcement Agency:

"Enforcement Agency" shall mean the Trinity County Building Department.

D. Limited Density Rural Dwelling:

A "Limited Density Rural Dwelling" shall mean any structure consisting of one or more habitable rooms, not exceeding two-and one-half stories, intended and designed to be occupied by one family, with facilities for living and sleeping, with use restricted to rural areas.

E. Owner-Built:

1. "Owner-Built" shall mean constructed by any person or family who acts as the general contractor for, or provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent, or employee occupancy.
2. For the purpose of this article, the sale, lease, renting, or employee occupancy of owner-built structures within one year shall be presumptive evidence that the structure was built for the purpose of sale, lease, or renting. A covenant shall be required to be recorded on the property for all habitable residential structures stating that the structure has been constructed in accordance with Trinity County Code section 15.____ and is not intended to be used for commercial purposes such as short term rental, long term rental, or employee housing.
3. "Owner-Built" shall also mean constructed by a licensed contractor for occupancy by the person or persons owning the property at the time of construction.

F. Rural:

"Rural" shall mean those unincorporated areas of the county designated and zoned for (2.5 or 5) acre or larger minimums.

15. ____ .020 – Issuance of a Permit

A. Permits:

Permits shall be required for the construction of Limited Density Rural Dwelling.

B. Issuance:

The application, plans, and other data filed by an applicant shall be reviewed by the Enforcement Agency to verify compliance with the provisions of this chapter.

Where the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the agency shall issue a permit to the applicant.

C. Application:

To obtain a permit, the applicant shall first file an application with the Enforcement Agency. Permit applications shall contain the following information:

1. Name and mailing address of the applicant;
2. Address and location of proposed structure(s);
3. A general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details;
4. A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, water courses and driveways;
5. Approval for the installation of a private sewage disposal from the local health enforcement agency
6. Signature of the owner and/or authorized agent;
7. The use or occupancy for which the work is intended;
8. A signed verification by the applicant that the structure is to be owner-built, or built for the occupancy of the owner by a licensed contractor; and
9. Any other information as may be required by the State's regulations regarding Limited Density Rural Dwelling.

D. Plans:

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s).

E. Modifications:

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the structure is maintained, the building continues to conform to the provisions of this chapter, and the enforcement agency is notified in writing of the intended modification.

F. Permit Validity:

Permits shall be valid, without renewal, for a maximum period of three years.

G. Inspection:

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency.

H. Issuance of Inspections:

An inspection of the structure(s) shall be conducted after the structure(s) is (are) completed and ready for occupancy, in order to determine compliance with the provisions of this chapter. Structures of conventional or simple construction shall be inspected at a single inspection.

I. Special Inspections:

Additional inspections may be conducted under the following circumstances.

An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions.

Inspections may be conducted where the application indicates that interior wall coverings, or construction elements will conceal underlying construction, electrical or mechanical systems, or where an unconventional construction method is indicated which would preclude examination at a single inspection.

J. Inspection Waivers:

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, or modifications that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this chapter.

K. Inspection Requests and Notice:

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises.

Inspections shall be requested by the applicant at least 72 hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify the applicant of the day during which the inspection is to be conducted.

L. Certificate of Occupancy:

After the structure(s) is (are) completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, and a covenant is reported stating that the structure is built to Title 25 standards, the enforcing agency shall issue a certificate of occupancy for such dwelling(s) which comply with the provisions of this chapter.

M. Temporary Occupancy:

The use and occupancy of a portion or portions of a dwelling prior to the completion of the entire structure shall be allowed except for farm labor housing, provided that approved sanitation facilities are available at the site, and that the completed work does not create a condition that endangers the life or health of the occupants or public. The occupants of any uncompleted structure shall assume responsibility for the occupancy of the structure or any portion thereof.

15. .030 Allowable Zoning

Limited Density Rural Dwellings are only allowed in the following zones:

- A. Unclassified (U)
- B. Agricultural Preserve District (AP)
- C. Rural Residential (RR)
- D. Agriculture - Forest Districts (AF)
- E. Agricultural Districts (A)

15. .040 Regulations

A. Technical Code:

Except as otherwise required by this chapter, structures constructed pursuant to this part, and compliant to all requirements contained herein, need not conform with the construction requirements prescribed by the latest applicable edition of the codes that make up a California Building Standards Code, Title 24, California Code of Regulations, or other applicable technical codes; however, it is not the intent of this section to disregard nationally acceptable technical and scientific principles relating to design, materials, methods of construction and structural requirements for the erection and construction of structures as are contained in the uniform technical code.

B. Minimum parcel size:

Structures shall on parcels that are at least (2.5/5) acres in size.

C. Sound Structural Condition:

A structure shall be considered to be in sound structural condition when it is constructed and maintained in substantial conformance with accepted construction principals, technical codes, or accepted performance criteria which provide minimum standards for stressing of structural members; footing sizes when related to major load-bearing points; proper support of load-bearing members; nailing schedules where essential to general structural integrity; and provisions for adequate egress, ventilation, and sanitation. Conditions that would not render a structure unsound are the minor deflections or elasticity or structural members, ceiling heights, size or arrangement of rooms, heating, plumbing, and electrification requirements, alternative materials, appliances or facilities, or methods of construction.

D. Substandard Building:

A substandard building is a structure or portion thereof in which there exists

any condition to an extent that endangers the life, health, or safety of the occupants.

E. General Requirements:

Each structure shall be constructed and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

F. Intent of General Requirements:

It shall be the purpose and intent of this chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the intended purpose. To provide for the application of this chapter, it shall be necessary for the enforcing agency to exercise reasonable judgment in determining the compliance of structures with the general and specific requirements of this chapter.

G. Technical Codes as the Basis of Approval:

Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwellings and appurtenant structures as are contained in the uniform technical codes. Such codes shall be the basis for approval.

H. Structural Requirements:

Buildings or structures constructed pursuant to this chapter may be of any type construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by Chapter 10 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, currently called International Code Council.

I. Foundations:

Pier foundations, stone masonry footings and foundations, pressure-treated lumber, poles, or equivalent foundation materials or designs may be used, provided that the bearing is sufficient for the intended purpose.

J. Roofing:

Buildings or structures constructed pursuant to this chapter shall be roofed with metal roofing at a pitch sufficient for snow to slide to reduce the possibility of overloading the roof.

K. Materials:

Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose.

L. Mechanical Requirements:

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with manufacturers' recommendations. Alternate materials and methods of venting may be permitted if substantially equivalent in safety and durability.

M. Heating Capacity:

A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter, however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid fuel or solar heating devices shall be deemed as complying with the requirements of this section. If non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards.

N. Electrical requirements:

No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification.

O. Installation Requirements:

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the National Electrical Code adopted by the Commission for single family homes.

P. Exceptions to Installation Requirements:

In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcing agency determines that electrical demands will exceed the confinement and capacity of that room(s). In such instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

Q. Room Requirements:

There shall be no requirements for room dimensions provided that there is

adequate light and ventilation and adequate means of egress. In single family dwellings not exceeding two stories in height where, due to the location or the surrounding terrain, emergency rescue from the exterior is not feasible, egress windows from sleeping spaces may be omitted when an additional doorway or an approved exit escape hatch is provided. The doorway provided shall open directly to the exterior of the building or shall open onto corridors or passageways which lead to individual exterior exits. The corridors or passageways provided shall not cross nor shall they follow the same route in all or in part to the building's exterior. Approved exit escape hatches shall be installed in accordance with the terms of their approval.

R. Sanitation Requirements:

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the County Health Official, shall be provided to the dwelling site. It shall not be required that such facilities be located within the dwelling.

S. Plumbing Specifications:

Where conventional plumbing, in all or part, is installed within the structure, it shall be installed in accordance with the uniform plumbing code. Alternative materials and methods shall be permitted provided that the design complies with the intent of the code, and that such alternatives shall perform to protect the health and safety for the intended purpose.

T. Sanitation Facilities:

A water closet shall not be required when an alternate system is provided and has been approved by the local health official. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use, and discharge. The design, use, and maintenance standards of such systems shall be the prerogative of the local health official, and shall comply with the requirements of Trinity County Code.

U. Water Supply:

Potable water shall be available to the dwelling site, although such water need not be pressurized. Where water is not piped from a well, spring, cistern, or other source, there shall be a minimum reserve of 250 gallons of potable water available.

V. Connection to Water and Sewer:

Limited Density Rural Dwellings which are constructed within an area for which public water or sewer is provided, shall be connected to the public water system and/or the public sewer system which is available.

W. Septic Systems:

All septic systems shall be permitted and comply with the requirements of the Environmental Health Department.

15. .050 Existing Structures

Existing structures shall be eligible for permits under this chapter without penalty for a period of three years after adoption of this ordinance. All septic systems shall be permitted and comply with the requirements of the Environmental Health Department.

15. .060 Recording

Each time a permit is issued pursuant to this chapter, the Building Department shall record with the County Recorder a notice that a permit has been issued pursuant to the provisions of this chapter.

15. .070 Abatement of Substandard Buildings

A. Every violation of the regulatory or prohibitory provisions of this chapter and all structures or portions thereof which are determined by the building official to constitute a substandard building are hereby declared to be a public nuisance and may be abated in accordance with Chapter 8.64 of the Trinity County Code and by any other means required by or available by law, unless the building official, in his/her discretion, determines that abatement should be deferred due to extreme hardship.

B. The critical concern in the promulgation of this chapter is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this chapter, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that administrative abatement procedures should be the first remedy pursued by the building official. Notwithstanding the foregoing, this section is cumulative to all other remedies now or hereafter lawfully available to abate or otherwise regulate or prevent public nuisances or to enforce the provisions of the Trinity County Code.

15. .080 Fees

Fees shall be required and collected by the Building Department to provide for the cost of administering the provisions of this chapter. It is the intent of this article that permit and inspection fee schedules be established to reflect the actually inspection and administrative costs resulting from the application of this chapter.

Section III

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 15060(c)(2) (Activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is not possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinances to ensure protection of the environment), 15321 (action by agency for

enforcement of a law, general rule, standard or objective administered or adopted by the agency, including, but not limited to, by direct referral to County Counsel as appropriate for judicial enforcement), 15302 (replacement or reconstruction) and 15303 (new construction or conversation of small structure e.g. a residential accessory building). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

Section VI

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

This Ordinance will not be effective until approved pursuant to Health and Safety code section 17958.2(b).

Introduced at a regular meeting of the Board of Supervisors held on the ____ day of _____, ____, and passed and enacted this ____ day of _____, _____ by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

- AYES: Supervisors
- NOES: None
- ABSENT: None
- ABSTAIN: None
- RECUSE: None

DAN FRASIER, CHAIRMAN
 Board of Supervisors
 County of Trinity
 State of California

ATTEST:

RICHARD KUHNS, Psy.D
 Clerk of the Board of Supervisors

By: _____
 Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret E. Long, County Counsel