

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

TO: Members in Session

PREPARED BY: Leslie Hubbard, Deputy Director of Planning

SUBJECT: Workshop to discuss and provide direction regarding a proposed ordinance regulating Limited Density Owner-Built Rural Dwellings

BACKGROUND:

On January 11, 2018, Commissioner Dan Frasier requested that an ordinance regarding limited density owner-built rural dwellings, or "Class K Housing" be agendized for a future Planning Commission meeting. On February 8, 2018, a draft Class K Ordinance provided by Commissioner Frasier appeared before the Planning Commission for discussion. Based on that discussion, Commissioners requested that the topic be re-visited in a future Planning Commission meeting in the form of a workshop to accommodate lengthy consideration and discussion among the public and Commissioners.

During the February 8, 2018 Planning Commission meeting Commissioners asked that future versions of the ordinance address or consider multiple issues:

- safety related to utilities
- clarification of definitions
- restrictions related to size (square footage) of structures and allowable number of stories
- limitations related to zoning districts and acreage of parcels
- implementation challenges
- new construction versus adding on to existing buildings

Ultimately, Commissioners confirmed that they would like to see an ordinance that provides for safety and sanitation while making the process of building a home as simple as possible.

During the October 11, 2018 Planning Commission meeting, Commissioners reiterated their interest in having the item appear before them for additional discussion and possible recommendation to the Board of Supervisors. Staff agreed to agendize the item at the soonest available meeting date.

On October 14, 2018, Commissioner Richard Hoard provided Planning Staff with the attached Proposed Ordinance Limited Density Owner-Built Rural Dwelling (Exhibit A). Commissioner Hoard also provided supporting documentation for the proposed ordinance as included in Exhibit B.

Staff routed the proposed ordinance and supporting documentation to the following departments and/or agencies for comments and asked that comments be returned to the Planning Department by November 16, 2018:

- County Assessor's Office
- County Building Department
- County Environmental Health Department
- CalFire/County Fire Chief's Association
- California Department of Fish and Wildlife

A legal ad for the proposed ordinance was published in the Trinity Journal on November 14, 2018. Comments were received from three sources after the ordinance and supporting documentation were routed for comment and advertised in the paper: California Department of Fish and Wildlife, a private citizen, and the Trinity County Building Department (Exhibit C).

California Department of Fish and Wildlife (Department) feedback included the clarification that if a pond is identified as a water storage facility as cited in the proposed ordinance, the Department must be notified to determine if the pond or diversion associated with the storage facility requires a Lake or Streambed Alteration Agreement.

The private citizen's comment included encouragement for developing and adopting an ordinance to allow Class K housing.

The comment from the Building Department included the statement that any ordinance proposed for limited density owner built rural dwellings must be filed with California Building Standards Commission for approval to be valid under State law. Attached, please find California Building Standards Commission (CBSC) requirements associated with approving, returning, or rejecting building code standards (Exhibit D). This resource states that a state agency that submits a building standard to CBSC for approval must adopt the proposed standard in accordance with a number of laws and rules as described on the CBSC website and attached exhibit.

RECOMMENDATION:

Staff recommends that, after receiving comments and suggestions from the public and the Commission, a written summary of this item will be provided to the Board of Supervisors in a memorandum. Staff recommends including feedback from the Planning Commission regarding this item as a part of the General Plan Update unless otherwise directed by the Board of Supervisors.

Exhibit A: Proposed Ordinance Limited Density Owner-Built Rural Dwelling

Exhibit B: Proposed Ordinance Supporting Documentation

Exhibit C: Comments Received

Exhibit D: CBSC Approving, Returning or Rejecting Building Code Standards

ORDINANCE NO.

**AN ORDINANCE OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
FINDING CONDITIONS REASONABLY NECESSARY FOR THE
APPLICATION
OF REGULATIONS ADOPTED BY THE CALIFORNIA DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT FOR LIMITED-DENSITY
OWNER-BUILT RURAL DWELLINGS [CODIFIED IN ARTICLE 8
(COMMENCING WITH SECTION 74) OF SUBCHAPTER 1 OF CHAPTER 1 OF
TITLE 25 OF THE CALIFORNIA CODE OF REGULATIONS]**

Section I: The Planning Commission of the County of Trinity, State of California hereby finds and declares as follows:

- (1) WHEREAS, in public hearings regarding the Housing Element of the General Plan, the citizens of Trinity County have expressed their desire to adopt regulations for the construction of limited-density owner-built rural dwellings.
- (2) WHEREAS, all parts of Trinity County are unincorporated and rural in nature.
- (3) WHEREAS, the principal land uses in most of Trinity County include, forestry, timber production, agriculture, grazing, recreation and conservation.
- (4) WHEREAS, the rural conditions, combined with limited population density and rugged mountainous terrain impose a degree of isolation that creates difficulty for both the builder and inspector in any construction.
- (5) WHEREAS, low cost housing is hard to find in Trinity County and the adoption of regulations for limited-density owner-built rural dwellings will allow the construction of such housing.
- (6) WHEREAS, the California Building Code is complex and designed, in most cases, for high density areas of the state its strict application may increase the price of construction such as to put it out of reach for many owner-builders.
- (7) WHEREAS, adoption of regulations for limited-density owner-built rural dwellings will allow owner-builders to seek skilled help from licensed contractors.
- (8) WHEREAS, the California Department of Housing and Community Development has determined that the regulations for limited-density owner-built rural dwellings are protective of the health and safety of occupants.

THEREFORE BE IT RESOLVED that the Planning Commission of Trinity County finds that Trinity County displays conditions appropriate to the adoption of the California Department of Housing and Community Development regulations for limited-density owner-built rural dwellings, codified at Article 8 (commencing with Section 74) of

EXHIBIT A

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Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, and hereby incorporated by reference.

The county hereby enacts the following as Section ____ of the Trinity County Zoning Ordinance No. 315 as follows:

Section II:

- (1) Purpose
- (2) Intent and Application
- (3) Definitions
- (4) Regulations of use
- (5) Construction Requirements
- (6) Fees
- (7) CEQA

(1) Purpose:

The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density, rural owner-built dwellings and appurtenant structures.

(2) Intent and Application:

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural structure(s).

It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings that are solely occupied as the residence of the owner or the owner's family. Such dwellings shall be considered single family dwellings.

Any section, subsection, sentence, clause, or phrase of this article if, for any reason, held to be unconstitutional, or contrary to the California statutes, such ruling shall not affect the validity of the remaining portions of this article.

(3) Definitions:

- (a) "Limited Density Rural Dwelling" is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, and not intended for sale, lease, rent, or employee occupancy.

Pre-engineered, manufactured, and assembly type structures or a hybrid of these will be allowed as long as they meet the requirements set forth in this chapter.

For the purpose of this article such dwellings shall not exceed:

- (1) One and one half stories.

The sale, lease, rent, or employee occupancy of owner-built limited density rural dwellings within (2) years of the issuance of certificate of occupancy shall be presumptive evidence that the structure was erected for these purposes and shall be liable to the revocation of the certificate of occupancy.

- (b) "Owner Built" shall mean constructed by any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family.
- (c) "Substandard Building" except by amended by the provisions of this Chapter, the California Health and Safety Code Section 17920.3 shall mean the determining criteria for compliance in defining of a substandard building.
- (d) "Rural" shall mean areas of the county designated and zoned by the appropriate local agencies for the application of this article. For a legal parcel to qualify as rural it must be of no less than 2.5 acres in size and not located in the following community services districts:
 - (1) Weaverville Community Services District
 - (2) Lewiston Community Services District
 - (3) Trinity County Waterworks District #1
 - (4) Coffee Creek Volunteer Fire District and Trinity Center Community Service District.
- (e) 'Ordinance', 'chapter', and 'article' are interchangeable.

(4) Regulations of use

- (a) Technical Code to be a Basis of Approval:

Dwellings constructed pursuant to this section need not necessarily conform with the construction requirements prescribed by the latest applicable edition of the California Building Standards Code, Title 24, California Code of Regulations or other applicable technical codes; nevertheless, such dwellings shall conform with nationally-accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwellings that are contained

in the California Building Standards Code. Such codes shall be the basis for approval.

(b) Existing Building Permits

The provisions of this chapter regulating the erection and lawful construction of dwellings and appurtenant structures shall not apply to building permits which have been approved prior to the effective date of this ordinance.

(c) Permit Validity

Permits shall be valid for a period of 3 years. The building official, in his/her sole discretion, is authorized to grant any reasonable extension of time on the building permit which will allow the owner to obtain his/her certificate of occupancy.

(d) Existing As-Built Structures

Any person owning an existing structure in Trinity County which complies with the provisions of this chapter as an Owner Built Limited Density Rural Dwelling, may, within 3 years from the adoption of this ordinance, submit an application, pay the fee, and pending successful inspection, obtain a certificate of occupancy under these regulations.

(e) Permits

Permits shall be required for the construction of Limited Density Rural Dwellings and their appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this article.

Exception: Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards.

(f) Permit Issuance

The issuance of a permit shall be contingent upon the approval of the submitted plans and construction documents by the Trinity County Building Department. Additionally, the Trinity County Environmental Health Department shall provide approval for the sewage disposal system and potable water that will serve the proposed structure(s) prior to the issuance of the building permit.

(g) Presumptive Evidence

The sale, lease, rent, or employee occupancy of owner-built limited density rural dwellings within (2) years of the issuance of certificate of occupancy shall be presumptive evidence that the structure was erected for these purposes and shall be liable to the revocation of the certificate of occupancy

(h) Inspections

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

A minimum of three (3) inspections shall be required for all new buildings at the following stages of construction:

- 1- Foundations. Prior to placement of concrete for slab or stem wall foundation systems or prior to placement of subfloor for all other non-concrete systems. A waiver for the foundation inspection may be allowed by the enforcement agency if it finds that due to the type and design of foundation, it can be inspected at the rough-in stage.
- 2- Rough In. Prior to closing walls, in order to inspect electrical, mechanical, plumbing, and structural framing.
- 3- Certificate of Occupancy. Prior to issuance.

(i) Modification

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

(j) Certificate of Occupancy

After the structure(s) is/are completed for occupancy and any inspections which have been required by the enforcement agency have been conducted, and work approved, the enforcement agency shall issue a certificate of occupancy for such dwelling and appurtenant structure.

(k) Recorded Covenants

As a condition of being permitted to construct a dwelling under this article, a declaration of covenants, conditions, and restrictions shall be recorded disclosing the nature of the dwelling and restrictions on its use, in a form acceptable to County Counsel, which shall run with the land and be enforceable by the County as an equitable servitude. The declaration shall state that the structure constructed on the property has been permitted under the regulations codified in this chapter applicable to Owner Built Limited Density Rural Dwelling which has been adopted under the authorization of California Health and Safety Code Division 13 Chapter 4, and that the structure(s) is not in full compliance with the provisions of the technical codes, and that occupancy is limited to the owner and the owner's family.

(l) Application for Permit

To obtain a permit, the applicant shall first file an application with the Trinity County Building Department. Permit applications shall contain the following information:

- 1- Name and mailing address of the applicant.
- 2- Address and location of the proposed structure(s).
- 3- A general description of the structure(s) accompanied by plans.
- 4- A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water sources and water ways.
- 5- Approval for the installation of private sewage disposal systems or alternative waste disposal means from the Trinity County Department of Environmental Health.
- 6- A stipulation by the applicant that the structure(s) is/are to be Owner Built.
- 7- The signature of the owner or authorized agent.
- 8- The recorded covenant referenced herein in Section 4 Subsection (j).
- 9- Any other data or information as may be required by the Building Department.

(m) Plans

Plans shall consist of all necessary information to facilitate a reasonable judgement of conformance by the enforcing agency. Plans shall include a building floor plan; elevations; electrical, mechanical and plumbing installations; and a structural cross-section showing foundation, wall, and roof systems.

(n) Abatement of Substandard Buildings

All structures or portions which are determined by the enforcing agency to constitute a Substandard Building shall be abated by repair, rehabilitation, or removal in accordance with California Health and Safety Code Sections 17980 through 17992. In cases of extreme hardship to owner occupants of the dwellings, the appropriate local enforcement agency may provide for deferral of the effective date of orders to abatement.

(o) Indemnification

The owner and/or applicant for an Owner Built Limited Density Rural Dwelling shall indemnify, defend, and hold the County harmless from any and all claims proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the building of a dwelling under this ordinance.

(5) Construction Requirements

(a) Snow Loads

Structural requirement for snow loads shall reference the latest version of the Trinity County GIS Snow Load Overlay Map incorporated within: Figure A. It is the owner's responsibility to reference such map when submitting a building permit application under this chapter. Any property that falls within a region of snow load equal or greater than 50 pounds per square foot according to the Trinity County GIS Snow Load Overlay must have a minimum roof angle of 30 degrees or a 6:12 roof pitch with metal roofing material. For a comprehensive guide of snow risk management, reference FEMA Document P-957 Snow Load Safety Guide. Structures built on locations that have over a 30 degree slope will not be allowed or permitted under this Ordinance.

(b) Fire Safety Requirements

As per Chapter 7A of the California Building Code all new structures located within a Wildland Urban Interface Fire Area or Fire Hazard Severity Zone that have been designated in this way by either a local agency or under a State Responsibility Area (SRA) shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in Chapter 7A of the California Building Code, or successor chapters of the latest adopted version of the California Building Code.

For the purposes of this chapter, residential fire sprinklers shall not be required.

Smoke alarms shall be required under this ordinance according to California Health and Safety Code 13113.7

(c) Electrical Requirements

No dwelling or appurtenant structure constructed in accordance to this chapter shall be required to be connected to a source of electrical power. However, if the structure or a section of structure is connected to source of electrical power and wired for electrical use, it shall comply with the requirements of the latest applicable editions of the California Electrical Code.

(d) Mechanical and Heating 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 the requirements of the latest applicable editions of the California Mechanical Code.

When a heating facility or appliance is installed pursuant to this chapter, there shall be no specified requirement for heating capacity or temperature maintenance. The use of a solid fuel or solar heating device may be deemed as complying with this section.

(e) **Plumbing Specifications**

Where conventional plumbing, in all or in part, is installed within the structure, it shall be installed in accordance with the latest applicable editions of the California Plumbing Code.

Alternative materials and methods shall be permitted provided that the design complies with the intent of the California Plumbing Code, and that such alternatives shall perform to protect health and safety for the intended purpose.

(f) **Domestic Water**

Domestic water supply shall be available on the dwelling site, although such water need not be pressurized.

A minimum storage of two thousand five hundred (2,500) gallons shall be available for fighting fire. Storage may be in tanks, swimming pools, ponds or other storage facilities.

Sanitary facilities shall be connected to an approved private sewage or alternate waste disposal system subject to the approval of the Trinity County Department of Environmental Health.

(g) **Egress Systems**

All egress systems, including emergency escape rescue exits in any room, shall be in conformance with the California Residential Code.

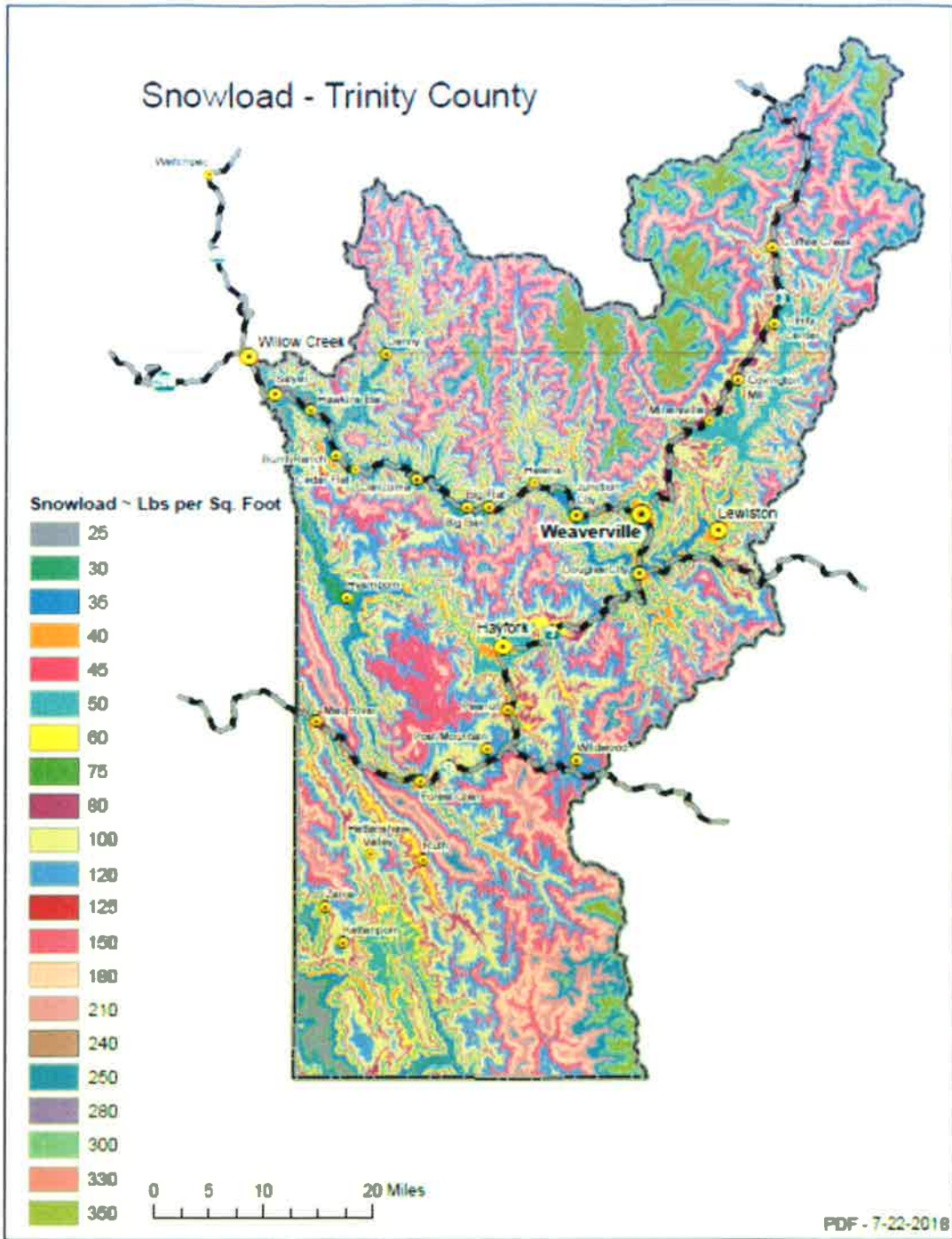
(6) Fees

Fees shall be required and collected by the Trinity County Planning and Building Department to provide for the cost of administering the provisions of this chapter, in an amount sufficient to cover for such costs.

(7) CEQA

This ordinance is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Title 14, Chapter 3, Section 15303 of the California Code of Regulations because it relates to the construction and location of limited numbers of new, small facilities or structures.

Figure A



Limited Density Owner-Built Rural Dwelling
Supporting Information

Loosely referred to as ‘Class K’ housing, the adoption of this Chapter into county law has been of great interest and sought for by Trinity County residents for many years. The findings declared on the attached proposed ordinance makes clear the reasons and importance of its adoption.

Through the crafting of this Ordinance it has become clear that certain areas of the county will stand to benefit more than others. This is mostly due to access to materials, labor, licensed contractors, and other construction variables. There are large portions of the county that are isolated in nature making the price for construction, at times, double the average market estimate price for any given project.

This proposed ordinance is nothing new in California. Health and Safety Code Division 13 – has been enacted since 1939. Of it Part 1.5 - Regulation of Buildings Used for Human Habitation which allows for this proposed ordinance to be adopted was added in the late 60’s. Since, multiple amendments have been enacted and currently 7 other counties in California have adopted a Limited Density Owner-Built Rural Dwelling type of ordinance.

This supporting document will follow the order of the proposed article and highlight certain aspects of county protocol, legal significance, and technical reasoning for the specific requirement found herein. The items addressed in this bulletin are not meant to be exclusive or all encompassing, but merely a brief overview of certain points of interest. It is the responsibility of whomever interested in pursuing the provisions of this ordinance to exhaust their own research and find out as much information as may benefit them.

Limitation of Structure Height

Safety and protection of inhabitants and property, is the main priority of this ordinance. Restricting dwelling heights to one and one half stories allows the owner certain flexibility beyond a one story building. The reason a full second story is discouraged is due to certain structural principals that might be overlooked if not understood and not applied into the design.

One of these seismic principals is soft story design. Soft story occurs in multistory buildings in which one or more floors have wide window or door spaces or large interior unobstructed spaces where shear walls would normally be required for stability. Not following proper shear design in the event of a severe enough earthquake can cause a base story of a building to simply fold onto itself. See Figure 1.

According to the California Division of Mines and Geology (DMG) Trinity County is not listed as being affected by potentially active faults, however there are many inactive faults that do exist. Trinity County is subjected to low to moderate levels of ground shaking from nearby or

distant earthquakes. The Cascadia Subduction Zone which encompasses the coast of Northern CA puts Trinity County at risk for potential severe activity.

The severity of an earthquake is most commonly expressed in the Richter scale. The Richter scale is logarithmic so that a recording of 7 indicates a disturbance of ground motion 10 times as large as a recording of 6. A quake magnitude of 2 is the smallest quake normally felt by people. Earthquakes with a Richter value of 6 or more are commonly considered as major. Great earthquakes have a magnitude of 8 or more. The largest recorded earthquake in Trinity County was on 4/30/2008 with a magnitude of 5.4 with its epicenter located 2 miles from Burnt Ranch CA.

Another reason for limiting the structure height is the load demand placed on the foundation system. Without a proper account of load bearing stresses placed on foundation and soil types, problems such as foundation settling and/or concrete stem-wall cracking could occur. Load demand of a multistory building only creates greater potential for the deficiencies we wish to avoid.

Requirements for Snow Loads

Roof snow loads differ not only between elevations but there are also other variables that must be accounted for. These are: range of snow weights, presence of ice, snow fall rate, unbalanced snow loads, roof geometries, roofing materials, roof obstructions, wind exposure and several others. It is for these reasons that snow loading is a very important consideration in structural designs.

An important preventive step is a proper roof pitch that exceeds the angle of repose of snow. The angle of repose is the maximum angle at which snow will not slide. According to FEMA Document P-957 Snow Load Safety Guide the angle of repose of snow is approx. 30 degrees. This represents a 6:12 roof pitch. This is not to say that snow will not slide on shallower roof slopes, but it is an important threshold to consider.

According to the Trinity County GIS Snow Map Overlay, referenced in the proposed ordinance, snow loads in the county range from 25 to 350 pounds per square foot. Altitudes in the county range from approx. 610 feet in Salyer CA to 9000 feet on Thompson Peak in the Trinity Alps.

It is the desire of establishing this Ordinance to not be overly obstructive in terms of design but as stated, protection is the most important priority. Therefore, any property that falls within a region that has snow loading of 50 lbs per square foot or more according to the Trinity County GIS Snow Load Overlay must have a minimum roof pitch of 30 degrees or 6:12 with metal roofing material.

Recorded Covenants

It is important to observe transparency within the application of the proposed article. The ordinance limits the owner builder from being able to sell, rent, lease or use dwelling for employee occupancy within the first 2 years from obtaining the Certificate of Occupancy. However, after this time period has expired the owner builder is allowed to use or profit from the dwelling as he/she sees fit. In the event the property and dwelling built under this article would sell, it is the intent that a declaration be made to any potential buyer that the dwelling was built under the provisions of this ordinance.

Plans

Other counties within the state of California also having a Limited Density Owner-Built Rural Dwelling ordinance have certain provisions which exempts their applicants from having to submit architectural drawings or allows for a simplified versions of such. However the importance of their submission cannot be understated.

Construction drawings are an important part of the design process. It forces the owner or their representative to analyze the construction process, its stages, materials, and components. It also propels the consideration of transition elements such as foundation to walls, walls to roof systems which in turn leads to a more coherent building process and structurally sound building. In addition it makes easier for different local agencies to review the application, issue permits, conduct inspections, and have a better understanding of the project as a whole.

One of these county agencies that need to review a set of plans is the Trinity County Assessor's office. The way taxes are calculated is that the architectural drawings are submitted to the assessor's office for review and based on the drawings the 'worth' of the dwelling is calculated.

Fire Safety Requirements

According to Chapter 7A of the California Building Code new building permits submitted on or after July 01 2008 which are located in any Fire Hazard Severity Zone or Wildlife Interface Fire Area are subject to comply with the provisions of said chapter. These provisions are specified in the document "Materials and Construction Methods for Exterior Wildfire Exposure".

These Fire Hazard Severity Zones (FHSZ) are specified for every county in California via a map. These maps have been created by CAL FIRE's Fire Resource Assessment Program (FRAP) using data and models describing development patterns, estimated fire behavior characteristics, and expected burn probabilities to quantify the likelihood of vegetation fire to affect new construction. These maps can be found at:

www.fire.ca.gov/wildlands_zones_maps.php

The FHSZ map for Trinity County is attached herein. See Figure 2.

Within our county map, State Responsibility Areas (SRA) are specified using yellow, orange, or red color which reflect their hazard intensity. There appears to be no Local Responsibility Area (LRA). One thing that interesting to note is that most of the land in Trinity County actually falls under Federal Responsibility Area (FRA). I contacted Greg Andersen, Division Chief for Code Development and Analysis with the Office of the State Fire Marshal and he clarified that Federal Responsibility Areas are not covered by the regulations of the State Statute specified in Chapter 7A and therefore need not to comply with its requirements.

There are many other items within the proposed ordinance that merit consideration and research but this must lay in the hands of whomever interested in pursuing this article. The intent to introduce this ordinance into county law is not to find a way to circumvent building scientific principals and nationally accepted construction methodologies. The intent is to empower our community; those who are interested and who deserve the opportunity to make the best use of their property - to build what suits them with the resources that are available to them, but with responsibility and structural integrity.

Thank you for your time and interest.

Special thanks to Commissioner Dan Fraiser and Mr. Tom Ballanco for supporting documentation.

Respectfully submitted

Richard Hoard
Trinity County Planning Commissioner
District 4

Figure 1:

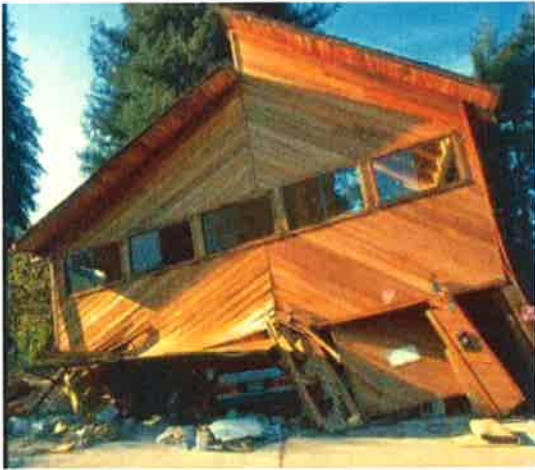
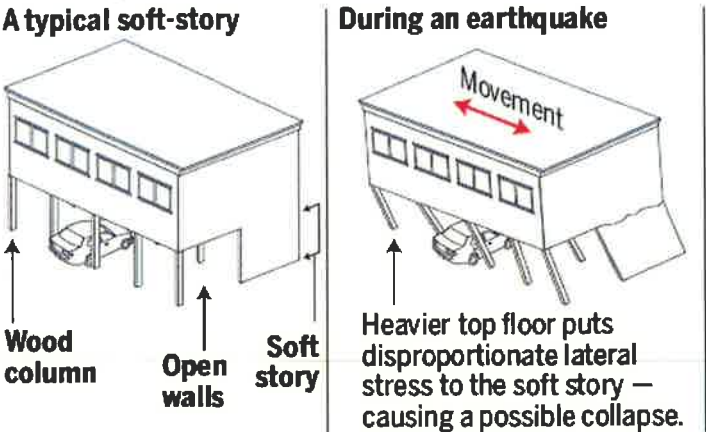
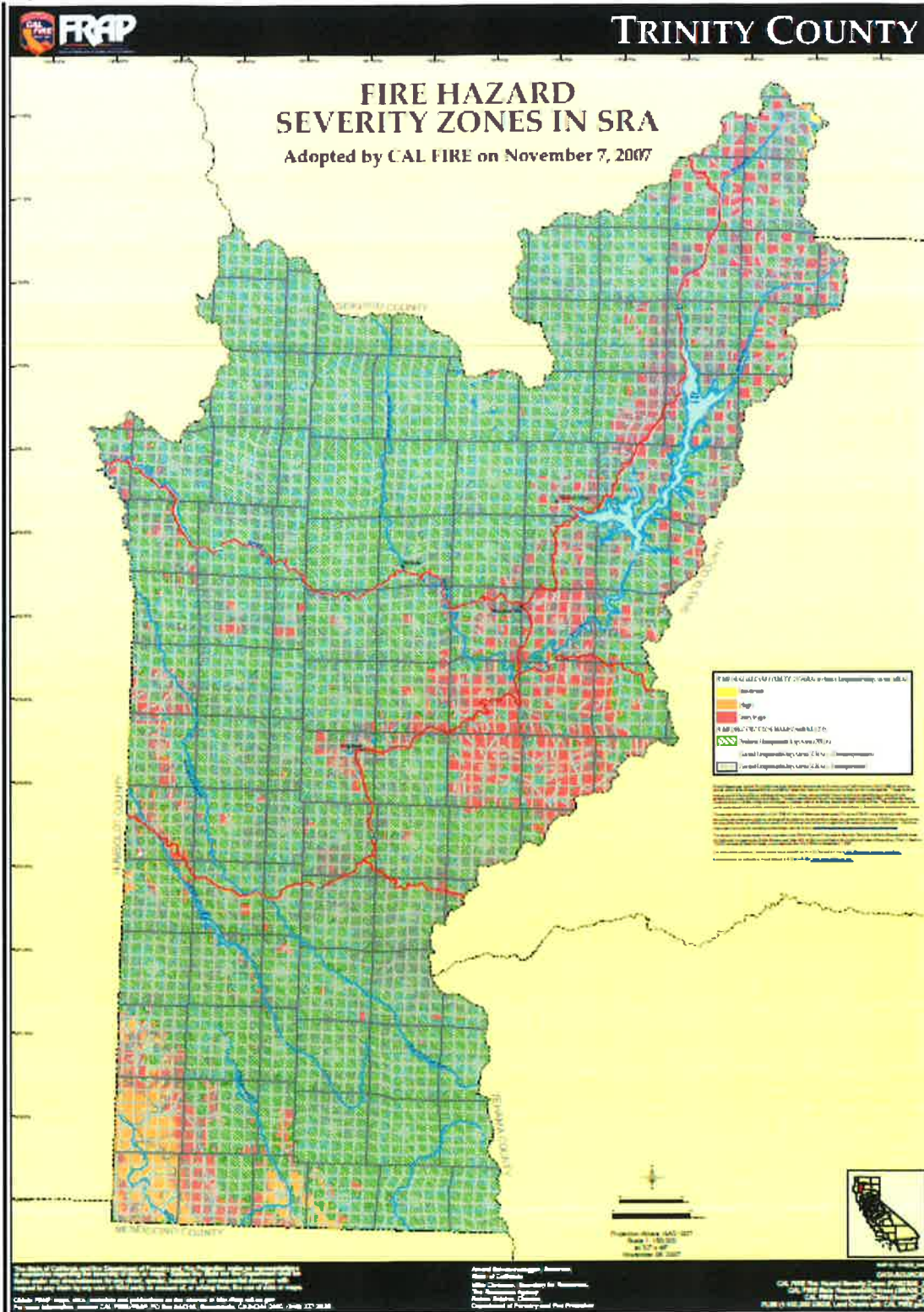


Figure 2:





State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Region 1 – Northern
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



RECEIVED

NOV 15 2018

TRINITY COUNTY
 PLANNING DEPARTMENT

November 14, 2018

Ruth Hanover
 Trinity County Planning Department
 P.O. Box 2819
 Weaverville, CA 96093

Subject: Review of Proposed Ordinance for Limited-Density Owner-Built Rural Dwellings (Class K Housing), PW-18-02, Trinity County

Dear Ms. Hanover,

The California Department of Fish and Wildlife (Department) has reviewed the early consultation request dated November 6, 2018, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the environmental review process.

Project Description

The Project as described in the early consultation request is a "Proposed Ordinance for Limited-Density Owner-Built Rural Dwellings (Class K Housing). The ordinance would be applicable county-wide.

Comments and Recommendations

Section II(5)(f) of the proposed ordinance requires that a domestic water supply shall be available on each dwelling site, with a required minimum storage of 2,500 gallons available for fighting fire. This required water storage may be in "tanks, swimming pools, ponds, or other storage facilities."

If a pond is identified as a water storage facility under Section II(5)(f) of the proposed ordinance, the Department should be notified pursuant to FGC section 1600 et seq. to determine if the pond or diversion requires a Lake or Streambed Alteration Agreement (LSAA). Notification is required prior to the commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed,

Conserving California's Wildlife Since 1870

EXHIBIT C

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channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. An LSA notification package may be obtained through the Department's website at:

<https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

In addition to verifying that ponds and other surface water diversions comply with FGC section 1600 et seq., the Department recommends that individuals proposing rural dwellings who identify a surface water diversion as their sole water source ensure that they can obtain a valid water right for the diversion prior to beginning construction. If for some reason a legal water right is not available for the proposed location it would be ill-advised to continue construction without identifying another suitable water source. Water rights are administered by the State Water Resources Control Board as described here:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.

The Department appreciates the opportunity to provide comments early in the environmental review process. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



Adam McKannay
Interior Cannabis and LSA Permitting Supervisor

ec: Ruth Hanover
Trinity County Planning Department
ruhanover@trinitycounty.org

Kristin Hubbard, Kate Blanchard
California Department of Fish and Wildlife
Kristin.Hubbard@wildlife.ca.gov, Katherine.Blanchard@wildlife.ca.gov

CHRON



TRINITY COUNTY
PLANNING DEPARTMENT
 P.O. Box 2819 530-623-1351
 Weaverville, CA 96093 530-623-1353 (FAX)
 Email: ruhanover@trinitycounty.org

RECEIVED

File #: PW-18-02

NOV 16 2018

Date: 11/6/18

**TRINITY COUNTY
 PLANNING DEPARTMENT**

REQUEST FOR COMMENTS

To:

- | | |
|---|--|
| <input checked="" type="checkbox"/> County Assessor's Office | <input type="checkbox"/> North Coast Water Quality Control |
| <input checked="" type="checkbox"/> County Building Department | <input type="checkbox"/> North Coast Unified Air Quality Management Dist. |
| <input checked="" type="checkbox"/> County Environmental Health | <input type="checkbox"/> Northeast information Center - Chico State |
| <input checked="" type="checkbox"/> County Public Works | <input type="checkbox"/> Forest Service: None |
| <input type="checkbox"/> County Surveyor | <input type="checkbox"/> Fire District: None |
| <input type="checkbox"/> Supervisor: | <input type="checkbox"/> C.S.D.: None |
| <input type="checkbox"/> Caltrans - District: 02 | <input type="checkbox"/> Code Enforcement |
| <input checked="" type="checkbox"/> CalFire/County Fire Chief's Association | <input checked="" type="checkbox"/> Other: Fire Chiefs' Association |
| <input type="checkbox"/> B.L.M. | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Calif. Dept. of Fish & Wildlife | <input type="checkbox"/> |

The following project has been submitted to the Trinity County Planning Department for discretionary action (Use Permit, Rezone, Subdivision, etc.). An assessment of the potential impacts of the project is being made. Please review and submit comments by **November 16, 2018**.

Project Description:

Proposed Ordinance (attached) for Limited-Density Owner-Built Rural Dwellings (Class K Housing). Located county-wide.

Environmental Evaluation:

None

APN: **N/A**

Existing Zoning: **N/A**

Sec: **N/A**

Twn: **N/A**

Rge: **N/A**

Existing General Plan: **N/A**

Applicant: **Trinity County Planning Department**
 Address: **P.O. Box 2819**
Weaverville, CA 96093

Agent: **N/A**

For information regarding this project contact Ruth Hanover, Admin. Coord. (530-623-1351, Ext. 4)

Comments:

- [] No Comment. [] See attached comments.
 [] We have reviewed the above request and have the following comments:

Date: 11/16/18

ORDINANCE MUST BE FILED w/ CAL. BUILDING STANDARDS COMMISSION FOR APPROVAL TO BE VALID UNDER STATE LAW

Reviewing Agency: **T.C. B.D.**

Signature:

Ruth Hanover

From: Brian Hill <bhill@igc.org>
Sent: Sunday, November 18, 2018 12:28 PM
To: Info.Planning; Trinity Journal
Subject: Class K Housing for Trinity County - comment

Class K Housing can permit residents to build their houses with trees that need thinning and thus help pay for fire protection, forest restoration and create fulfilling new jobs.

Humboldt and Mendocino Counties both have had Class K Housing for years. Trinity may have had it in the past. With Class K Housing regulations Trinity County residents could build their houses with the trees that need to be thinned from their back yards to protect their houses from fires. Class K Housing will provide new jobs and forest products for mountain communities. The Hayfork Watershed Center, began during the days of the California Strategy to Maintain Biological Diversity was founded in part to find profitable ways to restore the health of our local forests and economy. Class K Housing could be a major and vitally needed step in this direction.

A problem in Mendo Class K regulations is that little by little new regulations have made it necessary for builders to source building materials outside of the county. In order for Class K to work in Trinity provisions should be made to use over-abundant local resources, like suppressed firs that need thinning, whenever possible.

Brian Hill
bhill@igc.org

EXHIBIT D



California Building Standards Commission

Select Language Select Language

[Rulemaking \(http://www.bsc.ca.gov/Rulemaking.aspx\)](http://www.bsc.ca.gov/Rulemaking.aspx) > [Code Adoption Process \(http://www.bsc.ca.gov/Rulemaking/CaliforniaBuildingStandardsAdoptionProcess.aspx\)](http://www.bsc.ca.gov/Rulemaking/CaliforniaBuildingStandardsAdoptionProcess.aspx) > **Approving, Returning, or Rejecting Standards** (<http://www.bsc.ca.gov/Rulemaking/CaliforniaBuildingStandardsAdoptionProcess/ApprovingReturning.aspx>)

Approving

Approving, Returning, or Rejecting Standards

A state agency that submits a building standard to CBSC for approval must adopt the proposed standard in accordance with the following laws and rules governing the adoption of building standards:

- The Administrative Procedure Act (commencing with Government Code Section 11340)
- California Building Standards Law (commencing with Health and Safety Code Section 18901)
- California Code of Regulations Title 24, Part 1, Chapter 1

The agency's submission for approval must include:

- i. The records required by the Administrative Procedure Act
- ii. A written analysis, called the "Nine Point Criteria Analysis," that justifies the approval of the building standard in terms of all of the following criteria:
 - i. The proposed building standards does not conflict, overlap, or duplicate other standards.
 - ii. The proposed building standard is within the parameters of enabling legislation.
 - iii. The public interest requires the adoption of the building standard.
 - iv. The proposed building standard is not unreasonable, arbitrary, unfair, or capricious.
 - v. The cost to the public is reasonable, based upon the overall benefit derived from the building standard.
 - vi. The proposed building standard is not necessarily ambiguous or vague.
 - vii. Applicable national specification, published standards, and model codes have been incorporated. If not, the state agency must define the inadequacies or nonexistence of a national specification, standard, or model code.
 - viii. The format of the proposed building standard is consistent with CBSC's format.
 - ix. The propose building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has their written approval.

When considering a proposed building standard, CBSC may review only the record of the proceedings of the adopting agency [Health and Safety Code Section 18930(b)(1)], and the evidence submitted to and considered by the adopting agency [Health and Safety Code Section 18930(b)(2)].

To reject or return proposed building standards, CBSC must expressly find that the adopting agency's factual determinations were arbitrary and capricious, or that the determinations were substantially unsupported by the evidence considered by the adopting agency. These are the only permissible grounds on which CBSC may consider rejecting or returning the proposed standard.

Featured Links

- [E \(http://www.bsc.ca.gov/Rulemaking/regrule/CertifyingRulemakingsforApprovedEmergencyBuildingStandards.aspx\)](http://www.bsc.ca.gov/Rulemaking/regrule/CertifyingRulemakingsforApprovedEmergencyBuildingStandards.aspx)

- [terior Elevated Elements \(EEE\) Subcommittee - Resources](http://www.bsc.ca.gov/Rulemaking/regrule/CertifyingRulemakingsforApprovedEmergencyBuildingStandards.aspx)
(<http://www.bsc.ca.gov/Rulemaking/regrule/CertifyingRulemakingsforApprovedEmergencyBuildingStandards.aspx>)
- [C](https://www.youtube.com/channel/UCA1b9UV-Dt0Y-Ce9W6TLtuA/videos) (<https://www.youtube.com/channel/UCA1b9UV-Dt0Y-Ce9W6TLtuA/videos>) [BSC You Tube Channel](https://www.youtube.com/channel/UCA1b9UV-Dt0Y-Ce9W6TLtuA/videos)
(<https://www.youtube.com/channel/UCA1b9UV-Dt0Y-Ce9W6TLtuA/videos>)
 - [Contact Us](http://www.bsc.ca.gov/abt_bsc/ContactUs.aspx) (http://www.bsc.ca.gov/abt_bsc/ContactUs.aspx)
 - (<http://www.bsc.ca.gov/Codes.aspx>) [2016 Code \(eff. Jan 1, 2017\)](http://www.bsc.ca.gov/Codes.aspx) (<http://www.bsc.ca.gov/Codes.aspx>)
 - [2016 Intervening Cycle \(supplement\)](http://www.bsc.ca.gov/Codes.aspx) (<http://www.bsc.ca.gov/Codes.aspx>)
 - [CALGreen](http://www.bsc.ca.gov/Home/CALGreen.aspx) (<http://www.bsc.ca.gov/Home/CALGreen.aspx>)
 - [Emergency Rulemakings](http://www.bsc.ca.gov/Rulemaking/emergency.aspx) (<http://www.bsc.ca.gov/Rulemaking/emergency.aspx>)
 - [SB 1473: The Building Standards Administration Special Revolving Fund](http://www.bsc.ca.gov/Rulemaking/LocalCodeOrdinances/sb1473.aspx)
(<http://www.bsc.ca.gov/Rulemaking/LocalCodeOrdinances/sb1473.aspx>)
 - [Local Code Ordinances](http://www.bsc.ca.gov/Rulemaking/LocalCodeOrdinances.aspx) (<http://www.bsc.ca.gov/Rulemaking/LocalCodeOrdinances.aspx>)
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