



COMMUNITY DEVELOPMENT RESOURCE AGENCY
PLANNING SERVICES DIVISION
County of Placer

HEARING DATE: September 13, 2018
ITEM NO.: 2
TIME: 10:15 A.M.

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: September 13, 2018
**SUBJECT: TINY HOUSE ZTA
ZONING TEXT AMENDMENT (PLN18-00286)
STATUTORY EXEMPTION
ALL SUPERVISORIAL DISTRICTS**

STAFF PLANNER: Emily Setzer

LOCATION: Unincorporated Placer County, with the exception of the Tahoe Basin

APPLICANT: Placer County Planning Services Division

PROPOSAL: The Planning Services Division is proposing to amend Placer County Code, Chapter 17, Articles 17.04, 17.56, and to add Article 17.56, Section 17.56.350 to establish regulations for Tiny Houses as primary and secondary dwelling units, and as caretaker and employee housing, in zone districts where those land uses are already allowed.

CEQA COMPLIANCE: The proposed amendments to Placer County Code, Chapter 17, Articles 17.04, 17.56, and the addition of Article 17.56, Section 17.56.350 to establish regulations for Tiny Houses is exempt from CEQA pursuant to 1) CEQA Guidelines Section 15061(b)(3), which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; 2) CEQA Guidelines Section 15303 for "New construction or conversion of small structures," including a single-family residence or a second dwelling unit, limited to the maximum allowable on any legal parcel; and 3) CEQA Guidelines Section 15282(h) where the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county implements the provisions of Sections 65852.1 and 65852.2 of the Government Code. The Planning Commission will consider providing a recommendation to the Board of Supervisors that the proposed changes are exempt from CEQA pursuant to Section 15061(b)(3), Section 15303, and Section 15282(h) of the CEQA Guidelines.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: A legal notice was published in the Sacramento Bee, Auburn Journal, and Truckee Sun newspapers. Stakeholders and all Municipal Advisory Councils have received notice of this public hearing. In addition, notice has been provided to Community Development Resource Agency staff and the Departments of Public Works, Environmental Health, Facility Services, Cal Fire, and the Air Pollution Control District.

BACKGROUND: To incentivize a more diverse mix of housing types and affordability, Placer County is working on modernizing its approach to housing policy and development regulations. In order to meet Placer County's housing obligation and also to ensure Placer County has sufficient supply to house its residents, support desired economic development, and offset associated transportation-related environmental impacts, the County Executive Office created a multi-disciplinary "Housing Unit" to approach

the housing challenge from many angles. The “Housing Unit” includes representative staff from the County Executive Office, Economic Development, Community Development, Department of Public Works and Facilities, and Health and Human Services, who are dedicated to finding ways to getting more affordable housing constructed throughout unincorporated Placer County.

As part of this process, the Housing Unit brought forward a number of housing-related ideas to the Placer County Board of Supervisors in 2017. The Board expressed its support for implementing a variety of housing strategies - a "menu" - that could be adapted for different parts of the county based on varying priorities and needs that will be included in its annual Work Plan. A top priority for the housing work plan is to increase the availability of a mix of housing types in the County for existing and future residents, students, and employees whose income cannot support the cost of housing in the County. The Board also recommended exploring possible code changes, incentives, funding sources, advocacy, partnerships, and non-traditional housing varieties, such as tiny houses and co-housing. These policies and goals are being incorporated into the county’s Housing Strategy and Development Plan, which will propose policies and strategies to implement a more conducive environment for more diverse housing developments.

While tiny houses were originally included as part of the “menu” of housing choices, they were separated from the larger Housing Strategy and Development Plan because tiny houses are similar to existing uses and are exempt from CEQA, and therefore could be adopted on a more expedited timeline.

The Tiny House ZTA and the Housing Strategy and Development Plan will help accomplish some of the County’s priority objectives, including:

- Increase the availability of a mix of housing types in the County for existing and future residents, students, and employees whose income cannot support the cost of housing in the County;
- Improve the County’s overall employment growth by assisting County employers in reducing critical labor shortages of skilled workers in part driven by a lack of available housing; and
- Reduce vehicles mile traveled (VMT) by shortening commute distances for those who commute into Placer County for education or work, but who otherwise live elsewhere.

PROJECT DESCRIPTION

To diversify the types and affordability of housing, Placer County proposes to amend the Zoning Ordinance to add tiny houses as another housing option wherever primary and secondary dwelling units and caretaker and employee housing are already allowed.

While similar to mobile homes, small “stick-built” houses of the same size, and recreational vehicles, tiny houses function differently than those forms of housing. Houses on permanent foundations and built to Placer County Building Code standards can be built to the size of a typical tiny house (under 400 square feet), and are already allowed in the county and regulated under the Placer County Code. Mobile or manufactured homes are also already allowed in the county in the same zone districts as single family dwellings, and are regulated under the Placer County Code. Because tiny houses are placed on chassis rather than permanent foundations, they are considered recreational vehicles per the Placer County Zoning Ordinance, and are only allowed for limited timeframes (e.g. incidental camping) and in certain zone districts. The California Department of Housing and Community Development classifies tiny houses as park trailers or recreational vehicles. However, tiny houses are culturally and functionally different from both mobile homes and RVs in that they are generally intended to be used for long-term housing, with the option of moving them occasionally but not frequently.

A tiny house would be defined as a separate, independent living quarters that is no larger than 400 square feet; includes basic functional areas that support normal daily routines, including a bathroom, a kitchen, and a sleeping area; is mounted on a wheeled trailer chassis; is designed and built to look like a conventional building structure, using conventional building materials, and is thus architecturally distinct from traditional mobile homes and recreational vehicles; and is titled and registered to tow legally under the California Department of Motor Vehicles.

Key standards of the ZTA would require tiny houses to be:

- Allowed only in zones that allow single-family and secondary dwelling units, and caretaker and employee housing;
- Required to meet all underlying zoning and land use regulations, such as building setbacks and height allowances;
- Required to connect to county-approved water supply and sewage disposal facilities;
- Designed to look like a conventional residential structure (by incorporating design features and materials typically used for houses, such as typical siding or roofing materials, pitched roofs, eaves, residential windows, etc.);
- Required to maintain proof of compliance with ANSI 119.5 standard as a recreational park trailer or ANSI 1192 (NFPA 1192) standard as a recreational vehicle, as well as NFPA 70; and
- Eligible for fees for applicable electrical, plumbing, water, sewer, and septic permits.

PUBLIC OUTREACH

Over the past year, the County has conducted outreach to gather ideas and gauge interest in various housing solutions. During each outreach effort, tiny houses have been a focus of the conversation. At a March 20, 2018 Housing Forum presented by Placer County and the Placer Community Foundation, a Mountain Housing Council Think Tank on October 25, 2017, and in a recent county Flashvote survey on housing, community members requested the County to allow tiny houses.

Staff brought forward an earlier version of the Tiny House ZTA for Planning Commission input during a public workshop at its July 12, 2018 meeting. Staff also presented an overview of this ZTA at the Municipal Advisory Councils (MACs) from June to September, and to the Placer County Association of Realtors on August 13, 2018, in addition to meeting with stakeholders per request. Members of the public have also reached out to staff via email and phone to discuss tiny houses during this process.

The questions and comments received most frequently are summarized below. Most of the MAC members and audiences had few questions. During the Granite Bay MAC presentation, staff received a variety of questions and concerns, ranging from concerns about renters and vagrants and degradation of single family communities, to a lack of impact fees and concerns about setbacks. At almost every presentation, the audience asked about tiny house communities and how many tiny houses would be allowed on one parcel, as well as whether the county would allow compostable toilets. During presentations at the Planning Commission Workshop in July, commissioners requested additional information on the costs of tiny houses compared to traditional houses.

The following list summarizes questions frequently asked during presentations, followed by answers:

1. How does the cost of a tiny house compare to the costs of a traditional house?

The median home price in Placer County is \$467,500. The total estimated cost of installing a tiny house as a primary dwelling could range from about \$103,000 to \$262,000; it generally costs less to install one as a secondary dwelling. Costs of tiny houses vary widely; some people have built their own tiny house for around \$30,000, but buying one from a manufacturer typically ranges anywhere from \$50,000 to \$100,000. Other costs depend on whether the tiny house is connecting to existing or installing new water/well, sewer/septic, and electric (optional), and the costs of land. No impact fees would be charged for tiny houses because there would be no building permit. In comparison, impact fees, the only fees the County enforces, would range from approximately \$15,000 for a 400 square foot primary dwelling to \$10,000 for a 400 square foot secondary dwelling.

2. How many tiny houses could be on one parcel?

Two – tiny houses could serve as both the primary and secondary unit.

3. To decrease costs associated with providing septic or sewer, will the county allow compostable toilets?

The Environmental Health department has stated that septic or sewer are the only approved methods for human waste disposal. The Placer County Code requires a two-bedroom minimum septic system. However, the county could consider revising it to require a one-bedroom minimum septic system if the home is under 500 square feet, which could decrease costs for smaller septic systems.

4. Will the county allow tiny house communities?

Planning staff are researching tiny house communities and how they differ from mobile home parks and RV parks (which are regulated by the state). It is anticipated that tiny house communities would be included in the Housing Strategy ZTA which staff are beginning to develop.

5. Will the county allow tiny houses as tourist accommodation units (e.g. tiny house resorts)?

The county could consider that use in the future to promote economic development. Because housing is currently a primary goal, staff has focused on tiny houses as one way to diversify the types and prices of housing options available throughout the county.

6. Why wouldn't tiny houses trigger impact fees such as school and traffic fees?

County impact fees are tied to a building permit. The county could conduct a new fee study in the future to change the nexus of fees.

7. Will tiny houses be taxed property taxes?

Like mobile homes, tiny houses would not be charged property taxes. The parcel of land they sit on would be taxed. The California Department of Motor Vehicles ("DMV") would also collect fees on the tiny house.

8. Why is the county promoting tiny houses instead of mobile homes?

Mobile homes, or manufactured homes, are already allowed in the county. The county is not promoting one form of housing over another, but rather is trying to provide a range of housing options to increase the diversity of housing types and prices.

9. Why is the county not allowing residential uses in RVs?

To maintain the residential character of neighborhoods, tiny houses would be required to look like a house and be made of materials typically used for houses. RVs do not look like houses and would not maintain residential character.

10. Where can people live in a single family neighborhood that consists only of low density residential (one house per parcel)?

Because the state has mandated that second dwelling units be allowed, the only places where they currently aren't allowed are in subdivisions with CC&Rs that prohibit them.

11. Is a 400-square foot tiny house too big to tow?

Typical tiny houses have a maximum size of 400 square feet. The ordinance states that the tiny house must be titled and registered to tow legally by the DMV.

12. Will neighbors be notified?

Single family and secondary dwellings require ministerial approval, which does not include public notification.

13. What if there is not enough sewer or septic capacity?

Like all houses proposed in the county, the proposed parcel must demonstrate sufficient sewer or septic capacity, and adequate water supply.

14. When will they be allowed in the Tahoe Basin?

The proposed changes would not yet apply to the Tahoe Basin. Regulatory provisions related to housing, including allowances for primary and secondary dwellings, are included in the Tahoe Basin Area Plan. An update to the Tahoe Basin Area Plan would be necessary to allow tiny houses in the basin. However, staff have been communicating with the Mountain Housing Council and the Tahoe Regional Planning Agency (TRPA) to discuss steps towards an amendment to the Tahoe Basin Area Plan and the TRPA code to allow tiny houses as primary and secondary units, and as caretaker and employee housing.

CHANGES TO PROPOSED ZTA

Since the Planning Commission Workshop in July and after receiving feedback on the proposed Tiny House ZTA, minor changes have been incorporated into the ordinance. These changes include removing tiny houses as a land use in Section 17.06.050, Land Use and Permit Tables, and instead updating the definitions of the Single Family Dwelling, Secondary Dwellings, and Caretaker and Employee Housing land uses to include tiny houses. Therefore, tiny houses would be allowed wherever those land uses are allowed. Staff also removed the “on wheels” language to better clarify that one could remove the wheels from tiny houses; the tiny house would either remain on the chassis or be secured with soft tie-downs.

RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Find the proposed code amendments to be categorically exempt under CEQA Guidelines Sections 15282(h), 15303, and 15061(b)(3); and
2. Amend Placer County Code, Chapter 17, Articles 17.04, 17.56, and add Article 17.56, Section 17.56.350 to establish regulations for Tiny Houses as primary and secondary dwelling units, and as caretaker and employee housing, in zone districts where those land uses are already allowed, subject to the following findings.

FINDINGS

CEQA

1. The Zoning Text Amendment is exempt under CEQA Guideline Sections 15282(h), 15303, and 15061(b)(3). The State has provided categorical exemptions under CEQA Guidelines Sections 15061(b)(3) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; Section 15303, for “New construction or conversion of small structures,” including a single-family residence or a second dwelling unit, limited to the maximum allowable on any legal parcel; and for Section 15282(h) for second units in a single-family or multifamily residential zone. The Planning Commission finds that the proposed ordinance to allow tiny houses falls under these exemptions.

ZONING TEXT AMENDMENT

1. The Zoning Text Amendment allows for tiny houses to be located in zone districts where single-family dwellings, secondary dwellings, and mobile or manufactured homes are currently allowed under the Placer County Zoning Ordinance. The Zoning Text Amendment does not result in the allowance of tiny houses in zone districts where residential uses are not allowed.
2. The proposed Zoning Text Amendment is consistent with the Placer County General Plan Housing Element, and implements the following policies:

- Policy A-4. The County shall encourage innovative subdivision design and a range of housing types within larger-scale development projects to encourage mixed-income communities (e.g., single-family detached homes, second units, duplexes, live-work units).
 - Policy B-7. The County shall facilitate expanded housing opportunities that are affordable to the workforce of Placer County.
3. The proposed Zoning Text Amendment is consistent with housing objectives outlined in the County's overall housing work plan, including:
- Increase the availability of a mix of housing types in the County for existing and future residents, students, and employees whose income cannot support the cost of housing in the County;
 - Improve the County's overall employment growth by assisting County employers in reducing critical labor shortages of skilled workers in part driven by a lack of available housing; and
 - Reduce vehicles mile traveled (VMT) by shortening commute distances for those who commute into Placer County for education or work, but who otherwise live elsewhere.

Respectfully submitted,



Emily Setzer
Associate Planner

ATTACHMENTS

Attachment A – Proposed Ordinance Amending Placer County Code Chapter 17, Articles 17.04, 17.56, and adding Article 17.56, Section 17.56.350

cc: Steve Pedretti – CDRA Director
EJ Ivaldi – Deputy Planning Director
Crystal Jacobsen – Principal Planner
Shawna Purvines – Principal Planner
Jennifer Merchant – Tahoe CEO
Karin Schwab – County Counsel
Andy Fisher – Parks Division
Dan Dottai - Engineering and Surveying Division
Tim Wegner – Building Division
Kevin Bell – Environmental Engineering
Ken Grehm – Public Works
Kurtis Zumwalt – Environmental Health
All MACs

Before the Board of Supervisors
County of Placer, State of California

In the matter of: An Ordinance
Amending Placer County Code Chapter 17,
Articles 17.04, 17.56; and add to Article 17.56,
Section 17.56.350 Relating to "Tiny Houses"

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Placer County Code Chapter 17, Article 17.04, Section 17.04.030 is hereby amended as follows:

17.04.030 Definitions of land uses, specialized terms and phrases.

“Caretaker and employee housing” (land use) means permanent or temporary housing, **including tiny houses**, that is secondary or accessory to the primary use of the property. Such dwellings are used for housing a caretaker employed on the site of a nonresidential use where a caretaker is needed for security purposes or to provide twenty-four (24) hour care or monitoring facilities, equipment, or other conditions on the site, or where work is at locations remote from urban centers. See Section 17.56.090 for specific use requirements applicable to caretaker and employee housing

“Secondary dwellings” (land use) means a second permanent dwelling that is accessory to a primary dwelling on a site. A secondary dwelling may be either a detached or attached dwelling unit, **including a tiny house**, which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary dwelling. Secondary dwellings also include multi-generation housing units and are synonymous with accessory dwelling units as defined by California Government Code Section 65852.2. See Section 17.56.200 for specific use requirements applicable to secondary dwellings.

“Single-family dwelling” (land use) means a building designed for and/or occupied exclusively by one family. Also includes factory-built housing (modular housing), manufactured housing (mobile homes), **tiny houses**, and the rental of bedrooms within a single-family dwelling to no more than four boarders. More than four boarders constitutes a boarding house, which is included within the definition of “Multifamily dwelling.” See Section 17.56.230 for specific use requirements applicable to single-family dwellings.

“Tiny House” or “Tiny Houses” (land use) means a separate, independent living quarters that is no larger than 400 square feet; includes basic functional areas that support normal daily routines, including a bathroom, a kitchen, and a sleeping area; is mounted on a wheeled trailer chassis; is designed and built to look like a conventional building structure, using conventional building materials, and is thus architecturally distinct from traditional mobile homes and recreational vehicles; and is titled and registered to tow legally under the California Department of Motor Vehicles. (See Section 17.56.350 for specific use requirements applicable to tiny houses).

SECTION 2: Placer County Code Chapter 17, Article 17.56, Section 17.56.200 is hereby amended as follows:

17.56.200 Secondary dwellings/multi-generation housing.

D. Design Standards for Secondary Dwellings.

1. Floor Area. The maximum floor area of a secondary dwelling attached to, or contained within the existing space of the primary single-family dwelling shall not exceed fifty (50) percent of the primary single-family dwelling living area, with a maximum floor area of one thousand two hundred (1,200) square feet. The maximum floor area for a secondary dwelling detached from an existing single-family dwelling shall not exceed one thousand two hundred (1,200) square feet. [Note: "Living area," for the sole purpose of calculating the maximum floor area of an attached secondary dwelling, means the interior habitable floor area of a dwelling unit, as measured to the outside surface of exterior walls, including habitable basements and attics, but does not include a garage or any accessory structure that was not developed as habitable space.] **When tiny houses serve as a secondary dwelling unit, the maximum floor area shall not exceed 400 square feet and shall comply with all requirements in Section 17.57.350 "Tiny house".**

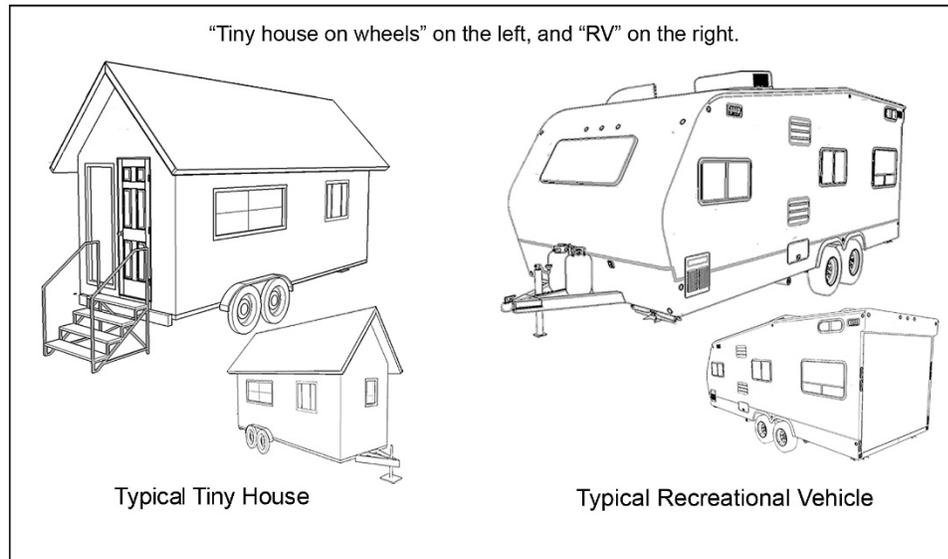
SECTION 3: Placer County Code Chapter 17, Article 17.56, Section 17.56.350 is hereby added as follows:

17.56.350 Tiny house.

When allowed by Section 17.06.030 et seq. (Allowable land uses and permit requirements) in the zone applicable to a site, tiny houses as single family dwellings, secondary dwellings, or caretaker and employee housing, are subject to the requirements of this section.

- A. General Standards. Tiny houses used as caretaker quarters or employee housing are subject to Section 17.56.090 (Caretaker and employee housing). Tiny houses placed in RV parks are subject to Section 17.56.080 (Camping and campgrounds, recreational vehicle parks). Tiny houses placed in Mobile Home Parks are subject to Section 17.56.140 (Mobile home parks). Tiny houses as secondary dwellings are subject to Section 17.56.200 (Secondary dwellings/multi-generation housing). All accessory storage shall comply with Section 17.56.250 (Storage, Accessory-Indoor and outdoor).**
- B. General Requirements. A tiny house is subject to the permit requirements established by Sections 17.06.050 (Land use and permit tables), 17.06.060 et seq., (Zone district regulations), and the base zone district.**
- 1. General Development Requirements. A tiny house shall conform to the height, setback, and lot coverage requirements of the applicable zone district, and is subject to utility and impact fees and charges, unless exempted by County Code.**
 - 2. Appearance. To maintain the character of residential areas, a tiny house shall be designed to look like a conventional residential structure rather than a**

recreational vehicle, as depicted in the graphic below. This shall be done by incorporating design features and materials typically used for houses, such as typical siding or roofing materials, pitched roofs, eaves, residential windows, etc.



3. **Movement.** A tiny house shall be no larger than 400 square feet, with length, width, and height dimensions allowed by California State Law for movement on public highways, and shall be titled and registered to tow legally under the California Department of Motor Vehicles. It shall be towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and shall not be designed to move under its own power.
4. **Egress.** A tiny house shall have a minimum of two means of egress, one of which shall be the main entrance and one of which shall be in the sleeping area(s). Entrance and egress stairs, pathways, and windows shall be constructed in accordance with state standards.
5. **Foundation and Structural Components.**
 - i. If a tiny house is retrofitted for placement on a permanent foundation, it shall be subject to Sections 17.56.230 (Single-family dwellings, additional building site) and 17.56.200 (Secondary dwellings/multi-generation housing).
 - ii. A tiny house shall be tied down with anchors or otherwise stabilized as designed by the manufacturer.
 - iii. Wheels shall be skirted or removed when parked. Skirting may be made from materials such as lattice, fencing, planter boxes, etc.
 - iv. Structures such as porches, decks, sheds, and gazebos shall be detached from the tiny house. Uncovered porches or decks less than 30 inches in height and less than 200 square feet do not require building permits. Permanent roofed structures over 120 square feet do require building permits.
6. **Utilities/Equipment.**

- i. Water and Sewer. A tiny house shall be connected to water supply and sewage disposal facilities approved by the County's Environmental Health Department and Building Services Division.
 - ii. Energy. A building permit shall be obtained for installation of a subpanel appropriately sized for the tiny house's amperage, electrical pedestal, and approved exterior outlets in the location the tiny home will be located, unless otherwise designed to be self-contained to provide equal electrical accommodations (e.g. fully relying on solar power). Separate electric meters may be permitted if approved by the building official and utility supplier. Generators, when applicable, shall adhere to the Placer County Noise Ordinance and the Placer County Air Pollution Control District.
 - iii. All mechanical equipment, other than solar energy panels or collectors, shall be incorporated into the structure, and shall in no case be located on the roof.
7. Certifications. A tiny house shall maintain proof of compliance with the ANSI 119.5 standard as a recreational park trailer or the ANSI 1192 (NFPA 1192) standard as a recreational vehicle, as well as with NFPA 70.
8. Minimum Wind and Snow Loads. A tiny house shall be constructed to withstand minimum snow and wind loads for the proposed parking location, as described in Chapter 15, Article 15.04 and Section 15.04.290 of the Placer County Code.
9. Parking. A tiny house serving as a primary residence shall include a minimum of one off-street parking space. As a secondary dwelling unit, refer to parking requirements in Section 17.56.200.
10. Addressing. A tiny house may obtain a separate address if an electrical permit is required. If an electrical permit is not needed because of reliance on solar power, an address may be obtained with a septic or sewer permit.
11. Access standards. Access roads shall meet state and local fire safe standards as determined by the serving fire agency and County Land Development Manual. Encroachment permits may be required to address ingress, egress, and sight distance requirements for access to county-maintained highways.

SECTION 4: This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.