

ORDINANCE NO. 5413

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ AMENDING SANTA CRUZ COUNTY CODE CHAPTER 13.10 TO ADD PROVISIONS REGARDING TINY HOMES ON WHEELS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, the County of Santa Cruz (“County”) is experiencing a housing crisis of both affordability and supply; and

WHEREAS, the Santa Cruz County Code (“County Code” or “SCCC”) includes regulations allowing temporary occupancy of mobile homes and recreational vehicles by a property owner or watchman as a temporary residence during construction of permanent buildings on the same site; and

WHEREAS, a tiny home on wheels is an independent dwelling unit on wheels, maximum 400 square feet, which provides complete independent living facilities for one or more persons and towable by a hitch mechanism and cannot move under its own power, and is designed with materials features resembling a tiny house and not a recreational vehicle; and

WHEREAS, several jurisdictions in the State have adopted regulations allowing a tiny homes on wheels to function as a single family dwelling and the California Department of Housing and Community Development supports such regulations; and

WHEREAS, the County wishes to amend SCCC 13.10 to all allow and regulate tiny homes on wheels as single family dwellings and provide a relatively lower cost housing option in the County and for those rebuilding after losing their house in the 2020 August CZU Lightning Complex Fires; and

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 13.10 of the Santa Cruz County Code is hereby amended by adding new section 13.10.680 to read as follows:

13.10.680 Tiny Homes on Wheels

(A) Purpose. The purpose of this section is to provide for and regulate Tiny Homes on Wheels in order to provide needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.

(B) “Tiny Home on Wheels (THOW)” shall be defined per SCCC 13.10.700-T: An independent dwelling unit, maximum 400 gross square feet, excluding loft area space if that loft area space meets the requirements of Government Code Section 18009.3(b) and Section 18033 and maximum 14 feet in width at the maximum horizontal projection. It provides complete independent living facilities for one or more persons and is built upon a single chassis and is towable by a hitch mechanism and cannot move under its own power. It may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

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(C) General Requirements.

(1) A THOW may function as a single-family dwelling as the primary unit or in place of an accessory dwelling unit (ADU) such that the total number of dwelling units on a parcel does not exceed the total number of dwelling units allowed on that parcel per provisions of state and local regulations. Only one THOW shall be allowed per parcel.

(2) THOWs that function as the primary unit shall be subject to all provisions of this code that apply to single family dwellings in addition to the requirements of this section.

(3) THOWs that function as an ADU shall be subject to all provisions of SCCC 13.10.681 as they apply to new construction ADUs in addition to the requirements in this section.

(D) Site Requirements.

(1) THOW Location on a Parcel.

(a) The THOW as an ADU shall be detached from the primary dwelling unit.

(b) A THOW shall not be located in an existing driveway.

(c) Parking Pad.

(i) Bumper guards, curbs, or other installations shall be adequate to prevent movement of the THOW.

(ii) The wheels shall not be removed and the parking pad shall be a level surface paved with two inches of asphalt concrete over five inches of Class II base rock or equivalent permeable or nonpermeable surface so as to provide a durable, dustless surface, and shall be graded and drained so as to prevent erosion and disperse surface water

(2) Access.

(a) The THOW parking pad shall be accessible by a path of travel such that the THOW is towable onto and off the property

(3) Size.

(a) The maximum size is as required to allow for towing on public roadways, but not to exceed 400 square feet.

(4) Development Standards.

(a) Meet all development standards in 13.10.681 and the maximum height of a THOW shall be as established by the California Department of Motor Vehicles for towing on public roads, but not to exceed 14 feet.

(E) Utilities.

(1) Electricity. The THOW shall be connected to a source of electricity in compliance with the latest edition of the California Electrical Code and local ordinance. If not connected to the local electric utility power source, an off-grid system may be used that

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is designed to provide sufficient power based on the expected loads. All off-grid systems shall include solar panels and battery storage. Within the Urban and Rural Service Lines a THOW shall not rely on a generator as a primary or stand-by source of electric power. Outside the Urban and Rural Service Lines a THOW shall not rely on a generator as a primary source of electric power and may include provisions for connection to a generator and meet all requirements of the California Electrical Code and local ordinance. Outside the Urban and Rural Service Lines, the generator shall be a stationary emergency stand-by generator as defined in, and in compliance with all provisions of, SCCC 13.15 Noise Planning.

(2) Water and Sewer. The THOW shall be connected to the approved water source and sewage disposal facility in compliance with the latest edition of the California Plumbing Code and local ordinance.

(F) Design.

(1) Incorporate design features and materials typically used for houses, such as siding or roofing materials, pitched roofs, eaves, and residential windows.

(2) Windows shall be at least double pane glass and shall include exterior trim or other design features to mimic windows on a building.

(3) The roof and exterior walls shall be fixed with no slide-outs, tip-outs, or other forms of mechanically articulating extensions that expand the interior space of the THOW.

(4) Mechanical equipment that is not incorporated within the structure shall be screened from public view and shall not be located on the roof. Plumbing vents and low-profile exhaust fans may be located on the roof. Electrical, and plumbing hook ups shall similarly be screened from public view.

(5) Skirting. When parked on its parking pad, the THOW shall include skirting to conceal the wheels and undercarriage.

(6) THOWs located in Wildland Urban Interface shall be designed with materials and construction methods for exterior wildfire exposure in compliance with Section R337 of the California Residential Code and local ordinance.

(G) Occupancy. A THOW that functions as an ADU may be excepted from the sales restrictions of SCCC 13.10.681(G)(2) in that the THOW may be conveyed separately from the primary residence.

(H) THOW Permit.

(1) Prior to moving a THOW onto any property, a ministerial THOW building permit shall be obtained authorizing parking and occupancy of each THOW on the property pursuant to SCCC 12.01.

(2) The THOW permit shall expire upon removal of the THOW from the property where it is permitted.

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- (3) On the property where it is permitted, the THOW permit shall be subject to renewal every five years or when the THOW is conveyed to a new owner, whichever occurs first. The permit renewal process may include a site inspection by County staff.
 - (4) Inside the Coastal Zone, a THOW that functions as a primary unit shall be required to obtain a coastal development permit pursuant to the provisions of SCCC 13.20.
 - (5) Inside the Coastal Zone, a THOW that functions as an ADU that does not meet the standard for exemption or exclusion under SCCC 13.20.050 or 13.20.051 require issuance of a coastal development permit (CDP) with noticing and appeal requirements per SCCC 13.20.107 and 13.20.108, and subject to findings per SCCC 13.20.110. CDPs for THOWs located in the Commercial Agricultural (CA) zone district, the Parks and Recreation (PR) zone district, and the Timber Production (TP) zone district shall be subject to additional permit processes and findings applicable to those zone districts.
 - (6) The THOW shall be registered annually with the DMV and all required annual registration fees shall be paid, including the Vehicle License Fee. Failure to register and pay all DMV fees annually shall cause the THOW permit to expire.
- (I) Application Processing. The following additional information shall be submitted with the required information for a building permit application for a THOW:
- (1) Certificate indicating that the THOW has been constructed in accordance with Standard No. A119.5 of the Standards of the American National Standards Institute (ANSI-A119.5 Park Model RV Standard).
 - (2) Valid DMV registration for towing to parking location.
- (J) Administration. The Director is responsible for administering the County's THOW regulations. As part of the administration of these regulations, the Director may:
- (1) Interpret the provisions of SCCC 13.10.680 and any other THOW regulations adopted by the Board of Supervisors;
 - (2) Develop forms, procedures, administrative practice guidelines, and application requirements related to siting of THOW; and
 - (3) Determine the amount of and collect, as a condition of accepting any application, including an application for permit renewal, the fees established by resolution of the Board of Supervisors or the County Code. Such fees shall include, but are not limited to, a THOW monitoring fee and a THOW permit renewal fee.

SECTION II

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.681(B)(1) and (3) to read as follows:

- (1) "Accessory Dwelling Unit" (ADU) shall be defined per SCCC 13.10.700-A: In compliance with California Government Code Section 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for

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living, sleeping, eating, cooking (area meeting the definition of Kitchen), and sanitation. A tiny home on wheels may be used as an ADU.

(3) "New Construction ADU" shall be defined per SCCC 13.10.700-N: An ADU that does not meet the definition of Conversion ADU. A tiny home on wheels may be used as a new construction ADU.

SECTION III

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.700-A to read as follows:

"Accessory Dwelling Unit" (ADU) means, in compliance with California Government Code Section 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of Kitchen), and sanitation. A tiny home on wheels may be used as an ADU. See also Junior Accessory Dwelling Unit, Conversion ADU and New Construction ADU.

SECTION IV

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.700-D to read as follows:

"Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the following restrictions: one Kitchen is allowed in each dwelling unit; interior connection shall be maintained throughout the home; and an interior stairway shall be provided between all stories. Dwelling units may include up to one additional Efficiency Kitchen in addition to one Kitchen. If a dwelling unit includes a Junior Accessory Dwelling Unit (JADU), then an additional Efficiency Kitchen outside the JADU is not allowed. A tiny home on wheels, as defined in SCCC 13.10.700-T, may be used as a dwelling unit.

SECTION V

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.700-N to read as follows:

"New construction ADU" shall mean any ADU that does not meet the definition of conversion ADU. A tiny home on wheels may be used as a new construction ADU.

SECTION VI

The Santa Cruz County Code is hereby amended by adding a definition of tiny home on wheels to SCCC 13.10.700-T to read as follows:

"Tiny Home on Wheels" (THOW) means, an independent dwelling unit, maximum 400 gross square feet, excluding loft area space if that loft area space meets the requirements of Government Code Section 18009.3(b) and Section 18033 and maximum 14 feet in width at the maximum horizontal projection. It provides complete independent living facilities for one or more persons and is built upon a single chassis and is towable by a hitch mechanism and cannot

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move under its own power. It may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

SECTION VII

The proposed County Code amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(1) and 15061(b)(2) because the amendments qualify for both statutory and categorical exemptions and 15061(b)(3) because the amendments present no possibility of a significant impact on the environment. The amendments are categorically exempt per CEQA Guidelines Section 15303 because the amendments provide regulations for the future construction of accessory dwelling units and do not authorize any increase in density under existing state and local regulations. In addition, to the extent the proposed ordinance treats a tiny home on wheels just like an accessory dwelling unit, it would be exempt by from environmental review per CEQA §15282(h): "adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code"

SECTION VIII

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to SCCC 13.10 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION IX

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

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SECTION X

This ordinance shall take effect on the 31st day following adoption outside the Coastal Zone and shall take effect upon final certification by the California Coastal Commission inside the Coastal Zone.

PASSED AND ADOPTED this 6th day of December 2022, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Supervisors: McPherson, Friend, Coonerty, Caput, and Koenig
NOES: None
ABSENT: None
ABSTAIN: None

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Manu Koenig
43369812764640D...

Manu Koenig
Chair of the Board of Supervisors

ATTEST: DocuSigned by:
Jennifer Frechette
BE98AB5396B7441...

Jennifer Frechette
Clerk of the Board

APPROVED AS TO FORM:
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Justin Graham
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ASSISTANT COUNTY COUNSEL 8/31/2022 (AMS#12839)
Justin Graham

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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 Jennifer.Frechette@santacruzcounty.us
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Jennifer Frechette
Jennifer.Frechette@santacruzcounty.us
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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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