Planning

Building

· Environmental Health

Code Enforcement

Surveyor

Surface Mining

November 1, 2023

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Zoning & Building Inspection Requests Phone: 530 257-5263

TO:

Lassen County Planning Commission

Agenda Date: November 7, 2023

FROM:

Maurice L. Anderson, Director

SUBJECT:

The Planning Commission will conduct a workshop on the update of the Lassen County Housing Element for the 2024 through 2029 cycle. The

Housing Element is a component of the County's General Plan, which establishes the goals and policies for the future development of the

unincorporated County. At this community workshop, Lassen County invites the public to give input to help the County develop a plan that best reflects the

community's housing needs, values, and priorities.

#### RECOMMENDED ACTION:

Receive a presentation and provide input on the potential policy options to be included in the 7th Cycle Housing Element Update; review possible policy options and next steps; hold a workshop to receive information, feedback and suggestions from the public; and provide comments to staff and consultants on the policy options presented.

This item is an informational public workshop, and no formal action or decision is required.

#### **BACKGROUND:**

The preparation of the Housing Element is required by California State Law, Chapter 10.6 and 10.7 of the Government Code. The Housing Element is one of the seven mandated elements of the General Plan, and the only element that must be updated on a set schedule, consistent with the establishment of Regional Housing Needs Allocations. The County is required to update its 2019 Housing Element to cover the planning period between 2024 – 2029. The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's major housing goal. In the last few years, the Legislature has passed multiple housing bills that prescribe new requirements for Housing Elements and new by-right requirements for housing projects. Some of these bills would further reduce land use control for counties without a certified Housing Element, including their ability to review and process applications for housing projects. This means it is vitally important for the County to adopt a Housing Element that is compliant with the standards set by the California Department of Housing and Community Development (HCD).

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State housing law affects Housing Element requirements, approvals and procedures for certain projects, penalties associated with non-compliance, and possible new policy options to be explored in the County's Housing Element update.

#### Regional Housing Needs Allocation

State law requires that Housing Elements demonstrate each local agency's ability to meet its Regional Housing Needs Allocation (RHNA). Each jurisdiction's RHNA is set through a process that is meant to identify and address housing needs for the projected State population and household growth, to improve the jobs - housing balance in communities, and to ensure the availability of housing affordable to all income groups.

For the 2024-2029 Housing Element Update period, the County of Lassen overall has an assigned RHNA share of 4 units, which is a decrease of 97% over the current RHNA. The marked reduction in RHNA is due to the decline in projected population for the County, resulting in a negative housing need. However, all jurisdictions must be assigned an allocation for low and very low-income units. Pursuant to HCD's Final Regional Housing Need Determination and Plan (Attachment 1), this includes the share of 2 units for the unincorporated jurisdiction of the County of Lassen (1 = Low, 1 = Very Low). The remaining 2 units are allocated to the incorporated City of Susanville (1 = Low, 1 = Very Low). The table below illustrates how the RHNA is allocated across income levels for the unincorporated County and how the 2024-2029 RHNA numbers compare to the 2018-2024 numbers.

Table 1: Unincorporated County of Lassen Regional Housing Needs Allocation, 2024 – 2029 Compared to 2018 - 2024

	Very Low	Low	Moderate	Above Moderate	Total
	Income	Income	Income	Income	
RHNA 2024-2029	1	1	0	0	2
RHNA 2018-2024	34	21	24	56	135
Percentage Decrease	94%	90%	100%	100%	97%

Government Code (GC) Section 65583(a)(1) State law further divides the very low-income category into extremely low and very low categories with 50% in each category. County of Lassen's extremely low-income unit allocation will be 1 unit.

#### Housing Element Update Requirements

California's Housing Element law requires that the Housing Element include the following discussion and analysis:

• Provide achievable goals, policies, quantified objectives, and scheduled programs to preserve, improve and develop housing opportunities.

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- Identify and analyze household characteristics, including housing costs compared to residents' ability to pay and housing characteristics, including the extent of overcrowding and an estimate of housing stock conditions.
- Identify and analyze governmental and non-governmental constraints on the maintenance, improvement, and development of housing for all income levels. These constraints may include land use and density controls, building codes and their enforcement, site improvements, fees required of developers, local processing and permit procedures, the availability of financing, the price of land, the cost of construction, and community opposition.
- Identify the special housing needs of the community including housing for homeless, senior, and female-headed households, farmworkers, and persons with disabilities.
- Identify sites that are suitable for all types of residential development, including multifamily and manufactured homes, during the five-year housing cycle to meet the County's fair share of regional housing needs, or RHNA at all income levels.
- Identify opportunities for energy conservation with respect to residential development.

Housing Elements must be reviewed and certified (approved) by HCD in order to satisfy State law.

#### State Expectation and Requirements

HCD has substantially increased expectations for Housing Element sites and programs in order to comply with the complex new State laws and to obtain certification. Thoughtful solutions will be needed to address the following State expectations and requirements:

- Regardless of RHNA, all local governments must include zoning for a variety of housing types, including multifamily, transitional, and permanent supportive housing, low barrier homeless navigation centers, congregate housing, SROs (Single Room Occupancy), homeless shelters, mobile homes, employee and farmworker housing, and Accessory Dwelling Units (ADUs). Even if the County was able to demonstrate meeting their full RHNA with ADUs and housing projects already in the pipeline, the above housing types must still be allowed.
- The County will need to demonstrate appropriate zoning to accommodate its share of the regional housing need for lower-income households. Statute provides a default minimum density of 20 units per acre. If the County plans to accommodate their RHNA for low-income households on sites that allow less than 20 units per acre, an analysis is required based on statutory factors including market conditions and the County's experience in developing affordable housing at lower densities.
- HCD will likely require programs to remove zoning barriers and increase housing choices so that housing units are not out of reach to less affluent community members. These actions would be required regardless of how the County accommodates the RHNA. With the passage of AB 686, local jurisdictions are required to demonstrate

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efforts to affirmatively further fair housing (AFFH) in the planning process and creation of planning documents. AB 686 applies to all housing element revised after January 1, 2021, and thus applies to Lassen County's current Housing Element Update. Local jurisdictions must "facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities." AFFH goals must reflect the analysis and approach informing the Housing Element Update. For example AB 686 requires HCD to also look at how the sites zoned at high enough densities for low-income housing are integrated throughout the community. As the County is a mixture of High to Low resource areas (as defined by the State's Opportunity Area maps), it will be important to ensure housing sites are not concentrated in low resource areas.

## Zoning, Density, Affordability Assumptions, and Credit for Accessory Dwelling Units (ADUs)

Local governments are not required to construct the housing units mandated by RHNA. Local government is instead required to demonstrate that it has adequate sites zoned at appropriate densities to accommodate the number of RHNA units in each income category. When a local jurisdiction lacks adequate available, vacant land for the development of its RHNA, it must either rezone adequate land at high enough densities to support affordable housing development or use other methods to identify where the units can go. These methods may include increasing allowable densities in certain land use categories; providing zoning overlays to allow housing on certain commercial parcels; allowing additional dwelling units within single-family neighborhoods; programs to encourage more, smaller units that are typically more affordable than larger units; or other creative solutions that address the jurisdiction's identified housing needs.

As part of site identification, the County must demonstrate that it has tools in place to ensure affordability at levels affordable to the specified income levels. The typical method to demonstrate affordability at lower income levels is to require the future developer of that property to record a long-term affordable housing deed restriction on the units. As part of its analysis of housing availability, the County may take credit for non-restricted units such as ADUs or Junior Accessory Dwelling Units (JADUs). At a minimum, the County may assume that the number of ADUs constructed in each year of the upcoming planning period is equal to the average of ADUs permitted over the years 2018-2023 and that the affordability of the ADUs will be distributed across income categories.

The County may use a higher number of ADUs and/or different distribution of ADU affordability if it can provide evidence that these higher construction rates and/or lower rents occur in its planning area.

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#### LOCAL HOUSING ISSUES AND HOUSING NEEDS:

One of the many requirements for the Housing Element is the collection of data to help determine housing needs. This includes such things as how many residents are overpaying for their housing, overcrowded units, the costs of developing housing, and demographic information and trends. The bulk of the required housing and demographic data has been provided by the United States Census, American Community Survey, and a variety of State sources.

However, to ensure that the County of Lassen's Housing Element is more than just a set of policies and a list of sites for review and approval by HCD, staff and consultants are collecting local data in real time. Efforts to collect community data are described and summarized below.

- Housing Element Update Website (https://www.lassencounty.org/dept/planning-and-building-services/housing-element-update): This provides introductory information to the Housing Element update process, a dedicated email address, information on past and upcoming community meetings, a project timeline, and community opinion surveys in Spanish and English.
- Housing Needs and Opportunities Surveys: Surveys for the Housing Element Update will be made available in English and Spanish and accessible on cell phones, computers, and other internet-accessing devices. Surveys will be promoted through the County's social media channels, newsletters, email distribution lists.
- Community Housing Needs and Perceptions Survey: Administered by Lassen County Health and Social Services, the online survey was available in English and Spanish and collected 282 responses between August - October 2023. The survey solicited feedback about housing and homelessness to understand community needs.
   Preliminary results are discussed in more detail below.
- Kick-off presentation to the Planning Commission on November 7, 2023, covering the Housing Element update process, new laws, opportunities for engagement, and local housing demographics. This meeting includes an opportunity for members of the public to comment.

#### Community Housing Surveys and Preliminary Results

As noted above, a bilingual community opinion survey for the Housing Element Update is being developed and will be promoted to community members in several ways. The surveys will elicit residents' opinions about housing needs and opportunities, both now and in the future, as well as their ideas about new housing types that might help to meet identified needs.

Meanwhile, Lassen County Health and Social Services conducted an online survey of community needs relating to housing and homelessness. The bilingual survey in English and

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Spanish comprised 17 questions. It was conducted from August 8, 2023 to October 2, 2023 and a total of 282 responses were collected. All respondents reported they were Lassen County residents age 18 or older. Regarding residency, 76.2% lived in Susanville, 7.8% lived in Janesville, and 6% were from Westwood. Nearly 50% of respondents were homeowners, and 23.5% of respondents reported they were low-income. Additionally, 23.5% were senior citizens and 16% reported they were people with disabilities. On the issue of homelessness, 84.6% of respondents said the unhoused population in Lassen County was increasing. A summary of survey results is included in Attachment 2.

The survey results demonstrate that Lassen County residents have given housing issues considerable thought and have a strong desire for more housing options to meet their needs. Addressing housing affordability and homelessness are high priorities. Respondents want to see city, county, and state government, as well as community groups and nonprofits, be more involved in addressing homelessness. Respondents indicated that there is not enough safe and affordable housing, especially for low-income groups, seniors, and people with special needs. Many reported deterioration in the condition of their homes. When asked what types of new housing are most needed, apartments received the most support, followed by special needs housing for persons with disabilities or unhoused residents. The next types, senior housing and single-family homes, received equal support from respondents. Community feedback on solutions and constraints will help refine Planning Commission direction provided in this workshop to produce the policy priorities of the Draft Housing Strategy.

#### **SUMMARY:**

The RHNA allocation for the County has substantially decreased, but planning for affordable housing at all levels is needed, nonetheless. State law encompasses many commitments and requirements for local jurisdictions, in particular, compliance with statewide ADU policy. The County must take steps to update its existing ADU code to comply with state law requiring non-discretionary, by-right approval of ADUs in the unincorporated areas. In addition, the County is required to continue existing programs and adopt new programs to address its identified housing needs.

The following programs would assist the County in meeting its identified housing needs:

- Amend the Zoning Code to allow ADUs permitted by-right;
- Make full use of the allowance for ADUs in the County's Site Inventory. Additionally, facilitate the development of ADUs with the adoption of programs to encourage and facilitate them;
- Consider adopting a program to encourage and facilitate development of ADUs and JADUs;
- Consider adopting a program to develop housing on County-owned sites;

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- Consider amending the Zoning Code to allow residential uses in conjunction with church or school uses;
- Consider adopting a workforce housing overlay zone that allows attached housing developments with the same review process as development in the base zone;
- Consider creating a County density bonus program that goes beyond the State program; and
- Consider incentivizing further inclusion of housing land trust ownership opportunities in market-rate developments.

#### Recommendation

Staff is seeking the Commission's and the community's feedback on the proposed policies and implementation programs.

#### Next Steps

Following today's Planning Commission public workshop, 4LEAF will work with County staff to prepare a Draft Housing Strategy to be presented at the Board of Supervisors meeting in Winter 2024. The Draft Housing Strategy will consist of the suggested housing goals, policies, and programs to be included in the updated Housing Element. It will be informed by State law, the public input received to date, and direction provided by the Planning Commission. Public input on the preferred options will be important in understanding the community's desires and goals.

- Draft Housing Strategy will be prepared for input at a Board of Supervisors workshop. (Spring 2024)
- An HCD Draft Housing Element, including a Draft Housing Sites Inventory, will be prepared for a 30-day public review and then for a 90-day HCD review. CEQA review will be completed at this time. (January June 2024)
- Following HCD review, a Draft Housing Element incorporating HCD's requested changes and the CEQA document will be prepared for Planning Commission recommendation and Board of Supervisors action. (Summer 2024). If HCD finds the Housing Element needs substantial edits to be in compliance with State law, the Element must be submitted for a 60-day period(s) for subsequent HCD review.
- Public input will continue to be accepted at each of these review points.

#### **PUBLIC NOTIFICATION:**

A flyer (attached) was developed announcing this workshop. While this item does not require a legally noticed public hearing, this item was advertised through the following mechanisms:

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- A webpage was developed on the Planning and Building Services Department's portion of the County Website announcing the workshop.
- The flyer was published in the Modoc County Record on October 26, 2023, and November 2, 2023.
- The flyer was published in the Intermountain News on October 25, 2023, and November 1, 2023.
- The flyer was emailed to "susanvillestuff.com" for inclusion on their site.
- Notice was sent to Sierra Daily News for announcement on the Radio.
- The flyer was posted at on the County meeting boards located at 707 Nevada Street,
   221 South Roop Street, and the Health and Social Services Administration office,
   Susanville, CA 96130
- Provided notice to the local Housing Advisory Board.
- Emailed the flyer directly to community members who have expressed interest in housing/homelessness in our community.
- Posted the flyer on the Lassen County Health and Social Services' Housing Grants Facebook page.
- Shared the flyer in the local community groups including the Big Valley, Westwood, and Herlong/Doyle groups.

Enclosures:

Attachment 1: HCD's Final Regional Housing Need Determination and Plan Attachment 2: Summary Results of Lassen Community Housing Needs and Perceptions Survey

Attachment 3: Interim Policy Regarding Application of the Fire Sprinkler Exemption Provided at Section 65852.2 of the Government Code, County of Lassen, Department of Planning and Building Services, January

Attachment 4: Planning Commission Workshop Flyer

#### STATE OF CALIFORNIA - BUSINESS. CONSUMER SERVICES AND HOUSING AGENCY

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF HOUSING POLICY DEVELOPMENT

2020 W. El Camino Avenue, Suite 500 Sacramento, CA 95833 (916) 263-2911 / FAX (916) 263-7453 WWW.hcd.ca.gov



RECEIVED

May 12, 2023

Maurice Anderson, Director Lassen County Department of Planning and Building Services 707 Nevada Street, Ste 5 Susanville, CA 96130 MAY 12 2023

LASSEN COUNTY DEPARTMENT OF PLANNING AND A JUDING SERVICES

Dear Maurice Anderson:

#### RE: Final Regional Housing Need Determination and Plan

This letter provides Lassen County its final Regional Housing Need Determination and final Allocation Plan. Pursuant to state housing element law (Government Code section 65584, et seq.), the Department of Housing and Community Development (HCD) is required to provide the determination of the region's existing and projected housing need and a final Regional Housing Need Allocation (RHNA) plan to countywide regions not represented a by council of governments (COGs). In assessing Lassen County's regional housing need, HCD consulted with local government staff and Doug Kuczynski and Walter Schwarm of the California Department of Finance (DOF) Demographic Research Unit.

Attachment 1 displays the minimum regional housing need determination of 4 total units among four income categories. Attachment 2 explains the methodology applied pursuant to Gov. Code section 65584.01. In determining the region's housing need, HCD considered all the information specified in state housing law (Gov. Code section 65584.01(c)). Attachment 3 displays HCD's methodology and final RHNA Plan for the region, for the *projection* period beginning June 30, 2024 and ending June 30, 2029. In determining the final allocation plan, HCD issued a draft allocation plan on February 1, 2023, and followed steps described in Government Code section 65584.06.

Gov. Code section 65588(e)(6) specifies the RHNA projection period begins December 31 or June 30, whichever date most closely preceded the previous projection period end date. The RHNA projection period end date is set to align with the planning period end date, which is five years following the Housing Element due date.

Lassen County local governments are responsible for updating their housing elements for the *planning* period beginning June 30, 2024 and ending June 30, 2029 to accommodate their share of new housing need for each income category. Please note, a jurisdiction authorized to permit residential development may take RHNA credit for new units approved, permitted, and/or built since the start date of

the RHNA projection period (June 30, 2024).

HCD encourages all Lassen County local governments to consider the many affordable housing and community development resources available to local governments. HCD's programs can be found at <a href="https://www.hcd.ca.gov/grants-funding/nofas.shtml">https://www.hcd.ca.gov/grants-funding/nofas.shtml</a>.

HCD commends Lassen County local government leadership in fulfilling their important role in advancing the state's housing, transportation, and environmental goals. HCD looks forward to continued partnership with the region, and in assisting in planning efforts to accommodate the region's share of housing need.

Please note: A metropolitan planning organization (MPO) or regional transportation planning agency (RTPA) on a 5-year regional transportation plan (RTP) update schedule can elect to adopt its RTP every four years. After the election is made, all local governments within the region of the MPO or RTPA change from a 5-year to an 8-year housing element planning period beginning with the next housing element update.

For the 8<sup>th</sup> cycle housing element update, the MPO or RTPA must make its election before **December 30, 2024**, at least 54 months prior to the 8<sup>th</sup> cycle HE due date.

In considering the option to change the update schedule for the next RTP and to change the next housing element update schedule and planning period from five (5) to eight (8) years, the MPO or RTPA is required to hold a public hearing. The public and localities must be notified at least 30 days before the hearing. If the election is made, HCD must be promptly notified and the next RTP must be completed within three (3) years of the notification of electing a 4-year RTP update schedule. Local governments will have a new housing element due date based on the requirement to update and adopt the housing element no later than 18 months from adoption of the RTP. Local governments interested in changing from a 5-year to an 8-year housing element planning period should quickly communicate with the MPO or RTPA to take necessary actions by specified time periods.

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Tom Brinkhuis, Senior Specialist, at tom.brinkhuis@hcd.ca.gov or Annelise Osterberg, Senior Specialist, at annelise.osterberg@hcd.ca.gov.

Sincerely,

Tyrone Buckley

Tywar Buddey

Assistant Deputy Director

**Enclosures** 

Cc: Kelly Mumper, City Planner, City of S  $^{\prime}$  10-

#### ATTACHMENT 1

## HCD REGIONAL HOUSING NEED DETERMINATION Lassen County: June 30, 2024 through June 30, 2029

Income Category	Percent	<u>Housing Unit Need</u>
Very-Low*	50%	2
Low	50%	2
Moderate	0%	0
Above-Moderate	0%	0
Total	100.0%	4
* Extremely-Low	11.11%	Included in Very-Low Category

#### Notes:

#### Income Distribution:

Income categories are prescribed by California Health and Safety Code (Section 50093, et. seq.). Percentages are derived based on Census/ACS reported household income brackets and county median income. Extremely low-income percentage provided for informational purposes.

#### ATTACHMENT 2

HCD REGIONAL HOUSING NEED DETERMINATION: Lassen County: June 30, 2024 through June 30, 2029

#### Methodology

	Lassen County: June 30, 2024 – June 30, 2029 (5 years) HCD Determined Population, Households, & Housing Unit Nee	
Reference	Steps Taken to Calculate Regional Housing Need	Amount
No.	D. I. C. and Cook (DOT music sticm)	28,415
1.	Population: June 30, 2029 (DOF projection)	20,413
2.	- Group Quarters Population: June 30, 2029 (DOF projection)	-6,975
3.	Household (HH) Population	21,440
4.	Projected Households	9,105
5.	+ Owner Vacancy Adjustment (0%)	+0
6.	+ Renter Vacancy Adjustment (.96%)	+26
7.	+ Overcrowding Adjustment (0%)	+0
8.	+ Replacement Adjustment (.1%)	+9
9.	+ Jobs Housing Relationship Adjustment	+0
10.	- Occupied Units (HHs) estimated June 30, 2024	-9,645
11.	+ Cost-burden Adjustment	+0
12.	+ State of Emergency Adjustment	+99
	Preliminary Regional Housing Need	0
13.	+ Feasible Jobs/Housing Balance Adjustment	+0
Total	7th Cycle Regional Housing Need Assessment (RHNA)	4

Detailed background data for this chart is available upon request.

NOTE: The decline in projected population in Lassen County results in a negative housing need determination. Pursuant to Gov. Code Section 65584(d)(1), all jurisdictions must receive an allocation of low and very-low income RHNA units. Accordingly, HCD is allocating two (2) units to each jurisdiction in the region, resulting in a 4 unit regional housing need determination.]

#### **Explanation and Data Sources**

1-4. Population, Group Quarters, Household Population, & Projected Households: Pursuant to Gov. Code Section 65584.01, projections were extrapolated from Department of Finance (DOF) projections. <u>Population</u> reflects total persons. <u>Group Quarter Population</u> reflects persons in a dormitory, group home, institute, military, etc. that do not require residential housing. <u>Household Population</u> reflects persons requiring residential housing. <u>Projected Households</u> reflect the propensity of persons within the Household Population to form households at different rates based on American Community Survey (ACS) trends.

- 5-6. Vacancy Adjustment: HCD applies a vacancy adjustment to facilitate healthy a housing market and resident mobility. The vacancy adjustment is applied separately based on the region's current "for rent" and "for sale" vacancy rate (which includes units for rent, for sale, and recently rented/sold but not yet occupied). The owner adjustment is based on the amount that the region's current owner vacancy rate (3.38%) is below the standard of 2%. For Lassen County, the owner vacancy rate is above the healthy standard, resulting in no adjustment. The renter adjustment is based on the amount the region's current renter vacancy rate (5.04%) is below the standard of 6%. For Lassen County, the renter vacancy rate is below the healthy standard, resulting in a .96 adjustment. Pursuant to Gov. Code Section 65584.01, the standard vacancy rate for a healthy rental housing market cannot be less than 5%. Data is from the 2017-2021 ACS.
- 7. Overcrowding Adjustment: In regions where overcrowding is greater than the U.S. overcrowding rate, HCD applies an adjustment based on the amount the region's overcrowding rate exceeds the U.S. overcrowding rate. Data is from the 2017-2021 ACS. For Lassen County, the region's overcrowding rate of 2.0% is lower than the national overcrowding rate (3.33%), resulting in no adjustment.
- 8. Replacement Adjustment: HCD applies a replacement adjustment between .1% and 5% to the total housing stock based on the current 10-year average of demolitions in the region's local government annual reports to Department of Finance (DOF), excluding units lost due to a state of emergency. For Lassen County, the 10-year average is .06%, therefore a .10% adjustment was applied.
- 9. Jobs Housing Relationship Adjustment: HCD applies an adjustment to account for any imbalances between jobs and housing within the region. To apply the adjustment, HCD uses 2019 LEHD Origin-Destination Employment Statistics to calculate the net number of workers commuting to Lassen County from outside the region. HCD then divides the number of workers by the heathy jobs housing balance ratio of 1.5 to calculate the number of housing units that would be needed to house these workers within the region. For Lassen County, this results in no adjustment to the RHNA.
- 10. Occupied Units: This figure reflects DOF's estimate of occupied units at the start of the projection period (June 30, 2024).
- 11. Cost Burden Adjustment: HCD applies an adjustment to the projected need by comparing the difference in cost-burden for the region to the cost-burden in the nation. The cost burden rate in Lassen County is lower than the cost burden rate for households in the nation, resulting in no adjustment to the RHNA. Data is from 2017-2021 ACS.
- 12. State of Emergency Adjustment: HCD used data provided by the California Governor's Office of Emergency Services (CalOES) pursuant to Government Code 65584.01(b)(1)(l) to adjust for units lost due to a declared state of emergency. Data is from 2021. To estimate the percentage of units lost that were originally occupied, HCD uses 2017-2021 ACS data to calculate the percentage of units in the region that are temporarily occupied by persons with a usual residence elsewhere. HCD then multiplies the occupancy rate by the units lost due to a state of emergency, resulting in a 99 unit increase to the RHNA.

13. Feasible Jobs/Housing Balance Adjustment: According to statute, the "region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan" (Gov. Code Section 65584.01). After applying the adjustments noted above, HCD compared the 7<sup>th</sup> cycle RHNA determination and the region's total occupied housing units to the Caltrans employment projections for Lassen County to determine whether a feasible balance was achieved. This analysis resulted in a jobs housing balance of .87 (1.2 housing units for every projected job). Because this is below the healthy rate of 1.5, no additional adjustment is needed.

#### ATTACHMENT 3

#### HCD FINAL REGIONAL HOUSING NEEDS ALLOCATION PLAN:

#### LASSEN COUNTY LOCAL GOVERNMENTS

June 30, 2024 - June 30, 2029

#### Distribution of Final RHNA

This table reflects the final Regional Housing Need Allocation (RHNA) distribution for each local government based on the methodology discussed below:

#### Regional Housing Need Allocation by Income Category

Jurisdiction	Very- Low	Low	Moderate	Above- Moderate	Total
Lassen County Region Total	2	2	0	0	4
Susanville City	1	1	0	0	2
Unincorporated Lassen County	1	1	0	0	2

#### Purpose of Regional Housing Need Allocation Plan

The purpose of the RHNA plan is to comply with state law (Gov. Code section 65584, et. seq.) in allocating to each local government a share of regional housing need for use in updating the General Plan housing element. The housing element must accommodate the total RHNA for each of the four (4) income categories (very-low, low, moderate, and above-moderate) over the designated planning period (June 30, 2024 through June 30, 2029). These requirements were enacted into state housing law (Article 10.6 of the Government Code) upon the California legislature determining that the provision of adequate housing is an issue of statewide concern.

HCD, pursuant to Gov. Code section 65584(a), is required to determine the existing and projected need for housing within regions of the state. In addition, HCD (per Gov. Code section 65584.06) is required to develop a plan to distribute the determination of regional housing need to each local government not represented by a COG. The RHNA, per Gov. Code section 65584(d), is required to further all of the following objectives:

- (1) Increasing the housing supply and mix of housing types, tenure, and affordability.
- Promoting infill development and socioeconomic equity, protecting environmental and agricultural resources, and encouraging efficient development patterns.
- (3) Promoting an improved intraregional relationship between jobs and housing.
- (4) Balancing disproportionate household income distributions.
- (5) Affirmatively furthering fair housing.

The RHNA is based on the projection of population and new household formation determined by the Demographic Research Unit of DOF. The resulting RHNA is a minimum projection of additional housing needed to accommodate household growth over the planning period; it is not a prediction, production quota, or building permit limitation for new residential construction.

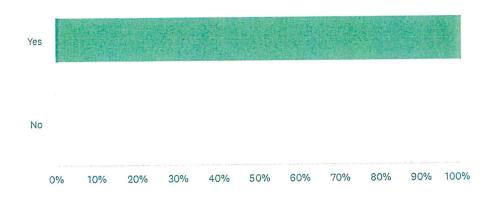
The decline in projected population in Lassen County results in a negative housing need determination for the region. Pursuant to Gov. Code Section 65584(d)(1), all jurisdictions must receive an allocation of low and very-low income RHNA units. Accordingly, HCD is allocating two (2) units to each jurisdiction in the region.

To comply with state law in addressing the jurisdiction's RHNA, the updated housing element must identify adequate sites and program actions to accommodate the total RHNA for each income category. Housing

elements are required to be updated by June 30, 2024 and sent to HCD for determination of compliance with state law. In updating the housing element, jurisdictions may take credit for and subtract from their RHNA (by income category) new units permitted since the beginning of the RHNA projection period (June 30, 2024).

## Q1 Are you a resident of Lassen County and age 18 or older? (Mark one response ⊠)

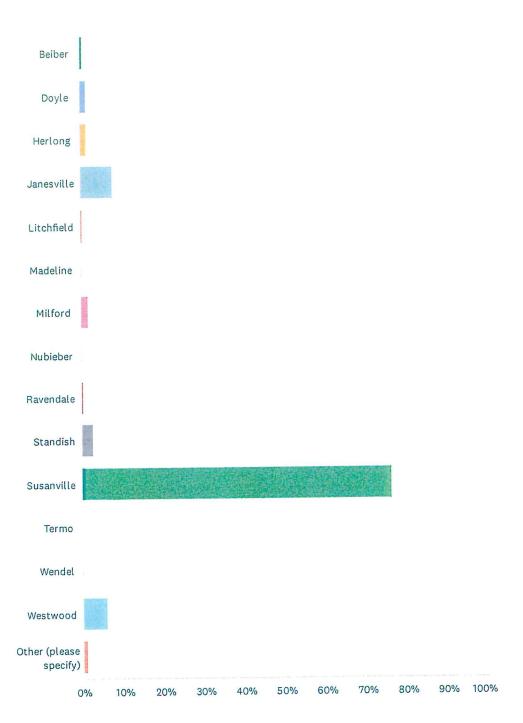
Answered: 281 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	100.00%	281
	0.00%	0
No		201
TOTAL		281

## Q2 What community in Lassen County do you live in? (Mark one response ⊠)

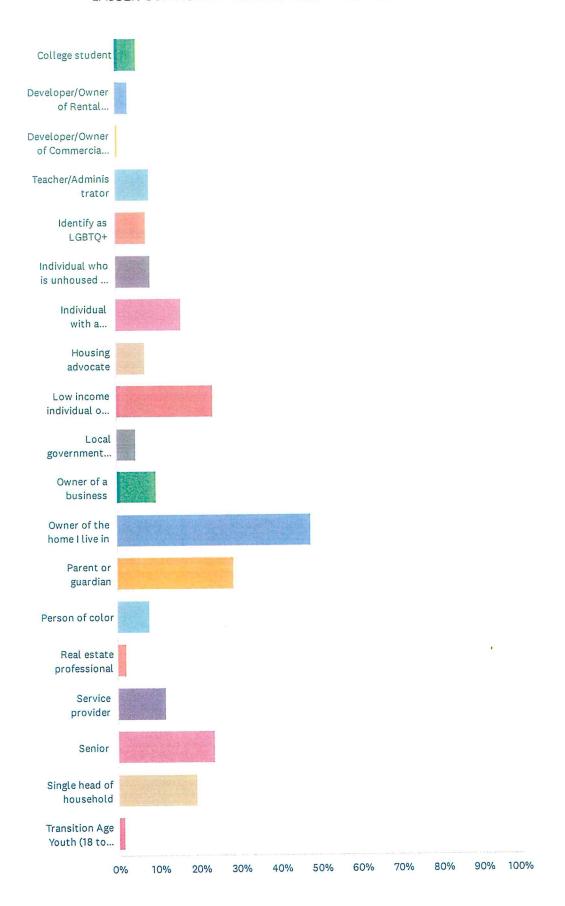
Answered: 282 Skipped: 0



ANSWE	R CHOICES	RESPONSES	
Beiber		0.71%	2
Doyle		1.42%	4
Herlong		1.42%	4
Janesvil	lle	7.80%	22
Litchfield	d	0.35%	1
Madeline	9	0.00%	0
Milford		1.77%	5
Nubiebei	r	0.00%	0
Ravenda	ale	0.35%	1
Standish	1	2.84%	8
Susanvil	lle	76.24%	215
Termo		0.00%	0
Wendel		0.00%	0
Westwo	od	6.03%	17
Other (p	elease specify)	1.06%	3
TOTAL			282
#	OTHER (PLEASE SPECIFY)		DATE
1	Lake Forest		8/29/2023 12:45 PM
2	Johnstonville		8/15/2023 9:22 PM
3	Lake Forest		8/8/2023 7:16 PM

Q3 Lassen County is home to diverse people with unique needs and we want to make sure we survey people from each group. If you're comfortable identifying yourself as any of the groups below, we would appreciate your help!

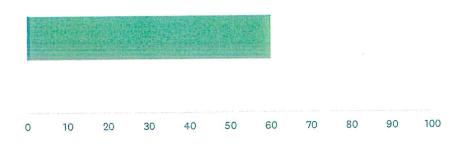
Answered: 280 Skipped: 2



ANSWER CHOICES	RESPONSES	
College student	5.36%	15
Developer/Owner of Rental Housing	3.21%	9
Developer/Owner of Commercial Units	0.71%	2
Teacher/Administrator	8.21%	23
Identify as LGBTQ+	7.50%	21
Individual who is unhoused or unstably housed	8.57%	24
Individual with a disability	16.07%	45
Housing advocate	7.14%	20
Low income individual or household	23.57%	66
Local government representative	4.64%	13
Owner of a business	9.64%	27
Owner of the home I live in	47.86%	134
Parent or guardian	28.57%	80
Person of color	7.86%	22
Real estate professional	2.14%	6
Service provider	11.79%	33
Senior	23.57%	66
Single head of household	19.29%	54
Transition Age Youth (18 to 23 years old)	1.43%	4

## Q4 Do you think housing in Lassen County is affordable? (Slide to indicate response)

Answered: 280 Skipped: 2

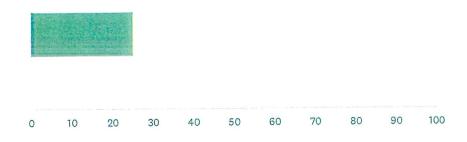


ANSWER CHOICES AVERAGE NUMBER TOTAL NUMBER RESPONSES

60 16,838 280

## Q5 Do you think Lassen County has enough affordable housing for low-income individuals who need it? (Slide to indicate response)

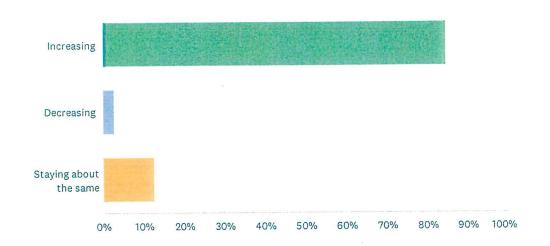
Answered: 263 Skipped: 19



ANSWER CHOICES AVERAGE NUMBER TOTAL NUMBER RESPONSES
25 6,632 263

# Q6 Compared to ten years ago, would you say the number of people who are unhoused in Lassen County is increasing, decreasing or staying about the same? (Mark one response $\boxtimes$ )

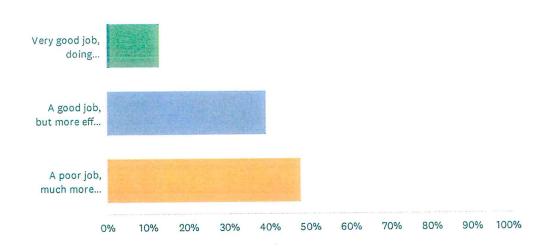




ANSWER CHOICES	RESPONSES	
Increasing	84.64%	
Decreasing	2.86%	8
Staying about the same	12.50%	35
TOTAL	28	80

Q7 From what you've seen, heard or read, how would you rate local efforts in addressing homelessness? Is the community doing a very good job, doing everything it can; a good job, but more effort is needed; a poor job, much more effort is needed? (Mark one response ⊠)

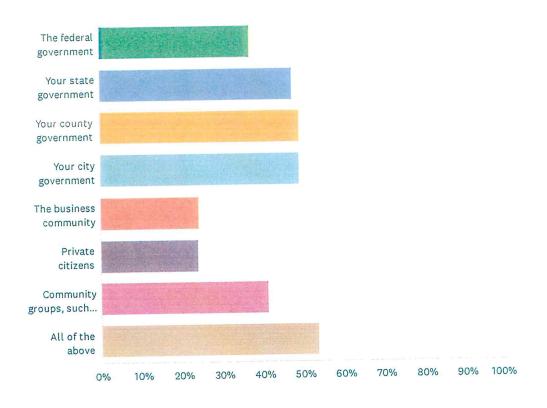




ANSWER CHOICES	RESPONSES		
Very good job, doing everything it can	13.04%	36	
A good job, but more effort is needed	39.13%	108	
A poor job, much more effort is needed	47.83%	132	
TOTAL		276	

# Q8 Which of these groups or organizations do you feel should be involved in addressing homelessness? (Mark all that apply ⊠)

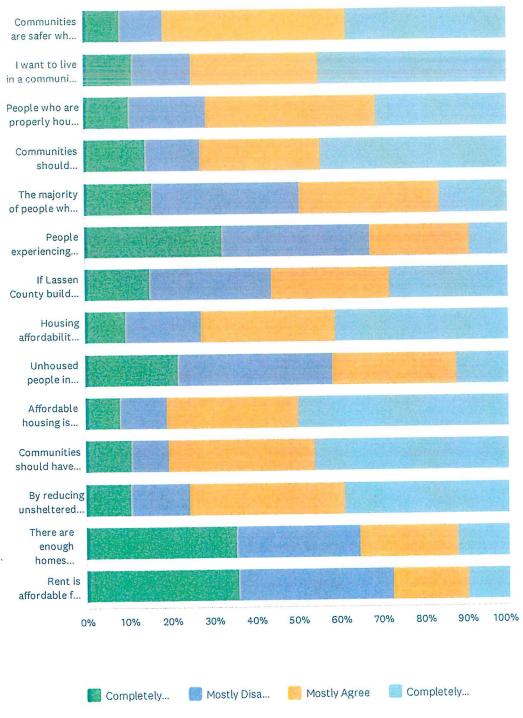
Answered: 277 Skipped: 5



ANSWER CHOICES	RESPONS	SES	
	36.82%	102	
The federal government	47.29%	131	
Your state government	49.10%	136	
Your county government	49.10%	136	
Your city government	24.19%	67	
The business community	23.83%	66	
Private citizens  Community groups, such as nonprofit organizations and charitable groups including religious organizations	41.16%	114	
All of the above	53.43%	148	

Q9 What extent, do you agree or disagree with the following statements? Do you completely agree, mostly agree, mostly disagree or completely disagree? (Mark one response per statement ⊠)

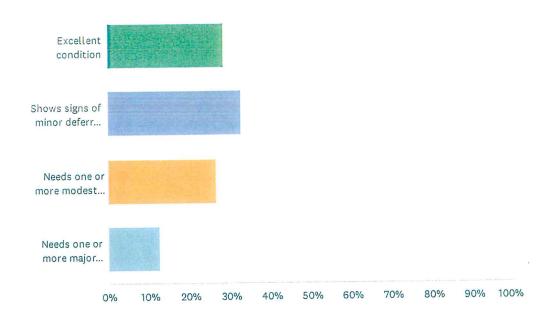




	COMPLETELY DISAGREE	MOSTLY DISAGREE	MOSTLY AGREE	COMPLETELY AGREE	TOTAL
Communities are safer when people do not have to live unhoused	8.54% 24	10.32%	43.06% 121	38.08% 107	281
I want to live in a community that provides for the care of its unhoused citizens	11.43% 32	13.93% 39	30.00% 84	44.64% 125	280
People who are properly housed use fewer public services and reduce burdens on police and hospitals	10.71% 30	18.21% 51	40.00% 112	31.07% 87	280
Communities should construct more affordable housing to serve all of its citizens	14.59% 41	12.81% 36	28.47% 80	44.13% 124	281
The majority of people who are unhoused in Lassen are from other counties	15.87% 43	35.06% 95	32.84% 89	16.24% 44	271
People experiencing homelessness have a warm place to spend the night during the winter in this community	32.49% 90	35.02% 97	23.47% 65	9.03%	277
If Lassen County builds more affordable housing, it will attract more low-income households	15.41% 43	28.67% 80	27.96% 78	27.96% 78	279
Housing affordability is a problem in Lassen County	9.61% 27	17.79% 50	31.67% 89	40.93% 115	281
Unhoused people in Lassen County have access to all of the services they need to obtain housing	21.86% 61	36.56% 102	29.39% 82	12.19% 34	279
Affordable housing is important for Lassen County	8.21% 23	11.07% 31	31.07% 87	49.64% 139	280
Communities should have Permanent Supportive Housing to ensure people experiencing homelessness who have a disability, including mental illness, can get the housing and support they need	10.75% 30	8.96% 25	34.41% 96	45.88% 128	279
By reducing unsheltered homelessness through stable housing, Permanent Supportive Housing is an asset to the community.	10.68%	13.88%	36.65% 103	38.79% 109	281
There are enough homes located in Lassen County for young adults and first-time home buyers to find an affordable home	35.59% 100	29.18% 82	23.13%	12.10% 34	281
Rent is affordable for teachers, grocery store workers, and other service employees	36.07% 101	36.43% 102	17.86% 50	9.64% 27	280

# Q10 How would you rate the physical condition of the unit you live in? (Mark one response ⊠)

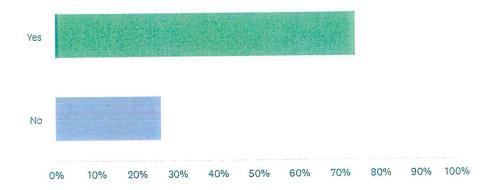
Answered: 276 Skipped: 6



ANSWER CHOICES	RESPONSE	S	i	
Excellent condition	28.26%	78		
Shows signs of minor deferred maintenance (peeling paint, etc.)	32.61%	90		
Needs one or more modest rehabilitation improvements (new roof, new siding, etc.)	26.45%	73		
Needs one or more major rehabilitation improvements (new foundation, new plumbing, etc.)	12.68%	35		
TOTAL		276		

## Q11 Are you satisfied with your current housing? (Mark one response $\boxtimes$ )

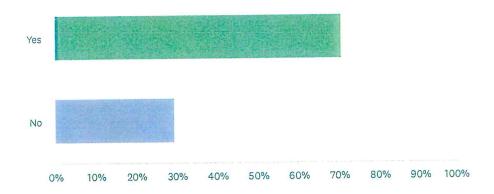
Answered: 277 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	74.01%	205
	25.99%	72
No	25.557	
TOTAL		2/7

# Q12 Are your housing needs being met in Lassen County with the options currently available? (Mark one response $\boxtimes$ )

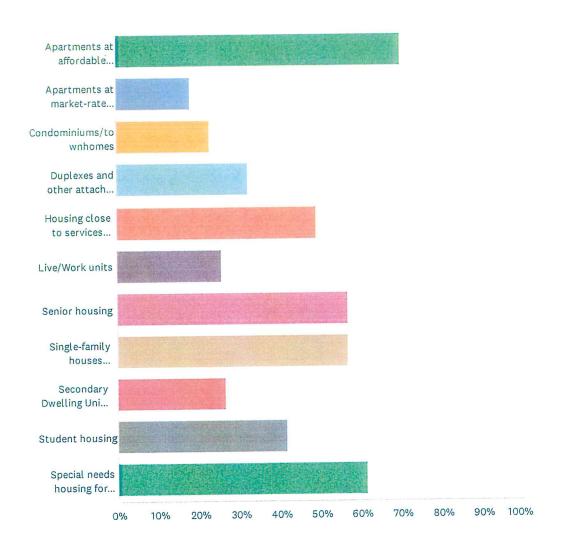
Answered: 278 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	70.50%	196
	29.50%	82
No TOTAL		278
TOTAL		

## Q13 What types of housing are most needed in Lassen County? (Mark all that apply $\boxtimes$ )

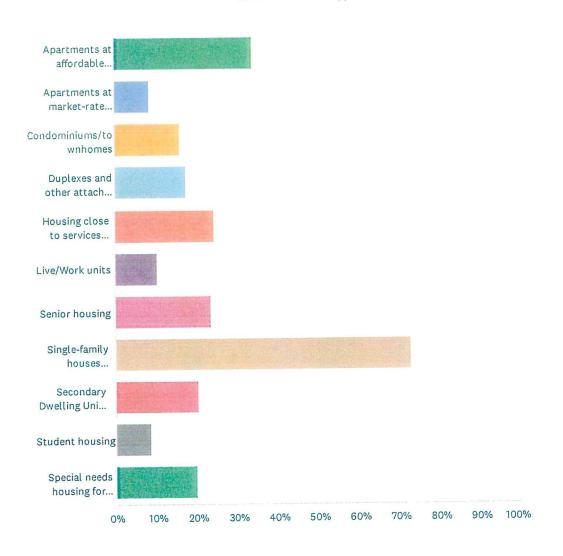
Answered: 277 Skipped: 5



ANSWER CHOICES	RESPONSES	
Apartments at affordable rents	70.04%	194
Apartments at market-rate rents	18.05%	50
Condominiums/townhomes	22.74%	63
	32.13%	89
Duplexes and other attached housing	49.10%	136
Housing close to services and/or public transportation	25.63%	71
Live/Work units	56.68%	157
Senior housing	56.68%	157
Single-family houses (detached)		73
Secondary Dwelling Units (ADUs, granny flat, guesthouse, etc.)	26.35%	
Student housing	41.52%	115
Special needs housing for persons with disabilities or have been unhoused	61.37%	170
Total Respondents: 277		

## Q14 What types of housing would meet your household's needs? (Mark all that apply ⊠)

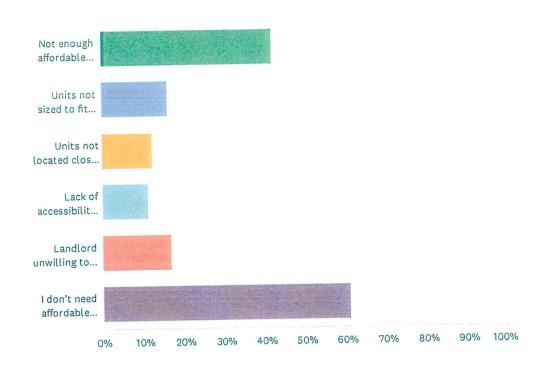
Answered: 256 Skipped: 26



ANSWER CHOICES	RESPONSES	
Apartments at affordable rents	33.98%	87
Apartments at market-rate rents	8.59%	22
Condominiums/townhomes	16.02%	41
Duplexes and other attached housing	17.58%	45
Housing close to services and/or public transportation	24.22%	62
Live/Work units	10.16%	26
	23.44%	60
Senior housing	72.66%	186
Single-family houses (detached)	20.31%	52
Secondary Dwelling Units (ADUs, granny flat, guesthouse, etc.)	8.59%	22
Student housing	19.92%	51
Special needs housing for persons with disabilities or have been unhoused	20.0275	
Total Respondents: 256		

# Q15 If you need affordable rental housing, have you experienced any of the following issues in the affordable housing market? (Check all that apply)





ANSWER CHOICES	RESPONSES	
	41.95%	112
Not enough affordable units; long wait lists	16.10%	43
Units not sized to fit my household's needs	12.36%	33
Units not located close to shopping, schools, medical services, etc.	11.24%	30
Lack of accessibility to fully accommodate a disability		45
Landlord unwilling to accept a Section 8 Housing Choice Voucher	16.85%	45
I don't need affordable housing	61.05%	163

Total Respondents: 267

-37-



# County of Lassen

### Department of Planning and Building Services

Planning

Building Permits

Code Enforcement

Surveyor

Surface Mining

Maurice L. Anderson, Director 707 Nevada Street, Suite 5 Susanville, CA 96130-3912

Phone: 530 251-8269 Fax: 530 251-8373

email: landuse@co.lassen.ca.us website: www.co.lassen.ca.us

> Zoning & Building Inspection Requests Phone: 530 257-5263

TO:

Planning and Building Services Department staff

Interested public, contractors and engineers

FROM:

Maurice L. Anderson, Director

SUBJECT:

January 7, 2021

Interim policy regarding application of the fire sprinkler exemption provided at

section 65852.2 of the Government Code

#### Summary:

This memorandum will detail the interim policy as to when and under what circumstances the exemption from the fire sprinkler requirement found at Government Code section 65852.2 (attached) is applicable to the construction of a second residence. This interim policy is effective until the Board of Supervisors amends the ordinance required by section 65852.2 (currently codified at subsection (3) of Lassen County Code section 18.108.270).

In summary, a second residence is considered to be an "accessory dwelling unit" (ADU), and may use the fire sprinkler exemption found at the above section of the Government Code, if the second residence is approved through issuance of a Use Permit (per Chapter 18.112 of Lassen County Code) or through issuance of a Certificate of Conditional Use (per Lassen County Code section 18.114.030). However, if the existing residence was required to have fire sprinklers when constructed, the above fire sprinkler exemption does not apply.

Independent of Government Code section 65852.2, it should be noted that section R313.2 (attached) of the California Residential Code (CRC; Part 2.5 of Title 24 of the California Code of Regulations) does not require the installation of fire sprinklers for the construction of an **attached residence (or addition)** if the existing residence does not have fire sprinklers. In all other instances, the CRC requires that fire sprinklers be installed. The only exemption from the sprinkler requirement for **detached second residences** is for those residences that meet the ADU requirement found in Government Code section 65852.2, described above and discussed in more detail below.

#### Discussion:

As stated above, Government Code section 65852.2 provides an exemption from the fire sprinkler requirement for construction of an accessory dwelling unit (ADU) (as defined by said section). Specifically, construction of an ADU does not require installation of sprinklers if the existing residence was not required to have sprinklers. This exemption is applicable to all ADUs,

Planning and Building Service Department staff January 7, 2021 Page 2 of 3

regardless of whether the ADU is attached to the existing residence or is a standalone building. However, as stated, the CRC has a broader exemption for attached second residences (and additions) if the existing residence does not have sprinklers. The CRC exemption applies to any residence or addition, even if it is not defined as an ADU per Government Code section 65852.2.

It should also be noted that, during the certification process for the 2019-2024 Housing Element update, the California Department of Housing and Community Development (HCD) stated that the current second housing unit ordinance (Lassen County Code section 18.108.270; attached) is not in full compliance with Government Code section 65852.2. Accordingly, HCD required inclusion of Program Goal HE-2.B (attached) in the 2019-2024 Lassen County Housing Element. In summary, said Program states that the County "...shall review standards and revise as necessary to allow ADUs with a ministerial, non-discretionary process in compliance with state law." Accordingly, an amendment of Lassen County Code section 18.208.270 is currently being prepared for consideration by the Board of Supervisors (File No. 318.01.61). The intent is to prepare and recommend adoption of an ordinance in full compliance with Government Code section 65852.2 (and acknowledged as being in compliance by the California Housing and Community Development Department).

Adoption of an interim policy (this policy) is needed to define if and to what extent a second dwelling unit allowed in Lassen County can be considered an "ADU" pursuant to Government Code section 65852.2 and use the fire sprinkler exemption detailed herein. Once an ordinance is adopted, this interim policy will be null and void.

Application of subsection "(3)" of Lassen County Code section 18.108.270 is utilized to describe when a second residence can be considered an ADU. Said subsection reads as follows:

There are no areas in Lassen County in which "accessory dwelling units," as defined in Government Code Section 65852.2, **shall be allowed by right**, given the specific scarcity of public water, sewer, and fire services in Lassen County. All applications for second dwelling units shall be processed pursuant to Title 18 of the Lassen County Code and the general plan. This subsection complies with the requirements set forth for the ordinance described at Government Code Section 65852.2(a) et seq. (Emphasis Added)

In order for a detached second residence to be considered an "ADU" pursuant to Government Code Section 65852.2, it must be considered through a discretionary process that allows attachment of conditions of approval. This is because the current wording of the above section of Lassen County Code states that there are no areas of Lassen County where an ADU is allowed by right. As such, for a second residence to be processed and approved as an "ADU" per Government Code section 65852.2, said second residence must either:

Planning and Building Service Department staff January 7, 2021 Page 3 of 3

- 1. Be authorized through approval of a Use Permit (per Lassen County Code Chapter 18.112) and issuance of an Authorization to Operate (per Lassen County Code section 18.112.080).
- 2. Be authorized through issuance (per Lassen County Code section 18.114.030) of a Certificate of Conditional Use (CCU), upon satisfaction of all conditions of approval.

While the initial approval (or disapproval) of a CCU does not require a public hearing, approval of a CCU does allow conditions of approval to be applied. Thus, issuance of a CCU meets the requirements of subsection (3) of Lassen County Code section 18.108.270 necessary to be approved as an ADU pursuant to Government Code section 65852.2.

Again, the 2019 CRC does not require sprinklers for an attached second residence or an addition to a residence that does not have fire sprinklers installed (see CRC section R313.2). Further, said CRC exemption applies to any residence, regardless of whether it is considered an ADU.

MLA:gfn

Enclosures:

California Government Code Section 65852.2

California Residential Code Section R313.2

Lassen County Code Section 18.108.270

2019-2024 Lassen County Housing Element, Page 132 (Program Goal HE-2.B)

Posted on the County website cc:

Available at the public assistance counter upon request

x/pla/admin/files/300/01/61/ADU interim policy



State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

- (A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
- (B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
- (ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
- (C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
  - (D) Require the accessory dwelling units to comply with all of the following:
- (i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

- (4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
- (5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
- (6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.
- (B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.
- (7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
- (8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a

permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

- (c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units
- (2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
- (A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
- (B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
  - (i) 850 square feet.
- (ii) 1,000 square feet for an accessory dwelling unit that provides more than one
- (C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
- (d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- (e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

- (A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The space has exterior access from the proposed or existing single-family dwelling.
  - (iii) The side and rear setbacks are sufficient for fire and safety.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
- (B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
  - (i) A total floor area limitation of not more than 800 square feet.
  - (ii) A height limitation of 16 feet.
- (C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- (ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- (D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
- (2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
- (3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
- (4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).
- (5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
- (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

- (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
- (f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- (2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
- (3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
- (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling.
- (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- (h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit

written findings to the local agency as to whether the ordinance complies with this section

- (2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
- (B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:
  - (i) Amend the ordinance to comply with this section.
- (ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.
- (3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
- (B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
- (i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
  - (i) As used in this section, the following terms mean:
- (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that 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, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
  - (A) An efficiency unit.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (5) "Local agency" means a city, county, or city and county, whether general law or chartered.

- (6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- (7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- (I) Nothing in this section shall be construed to superscde or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
  - (1) The accessory dwelling unit was built before January 1, 2020.
- (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
  - (o) This section shall become operative on January 1, 2025.

(Amended (as added by Stats. 2019, Ch. 659, Sec. 2.5) by Stats. 2020, Ch. 198, Sec. 4.5. (AB 3182) Effective January 1, 2021. Section operative January 1, 2025, by its own provisions.)

R312.2.1 Window sills. In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches (610 mm) above the finished floor and greater than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, the operable window shall comply with one of the following:

- Operable window openings will not allow a 4-inchdiameter (102 mm) sphere to pass through where the openings are in their largest opened position.
- 2. Operable windows are provided with window fall prevention devices that comply with ASTM F2090.
- Operable windows are provided with window opening control devices that comply with Section R312.2.2.

R312.2.2 Window opening control devices. Window opening control devices shall comply with ASTM F2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the net clear opening area of the window unit to less than the area required by Section R310.2.1.

#### SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section *R313.3* or NFPA 13D.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

- An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.
- 2. Accessory Dwelling Unit, provided that all of the following are met:
  - 2.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
  - 2.2. The existing primary residence does not have automatic fire sprinklers.
  - 2.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.

2.4. The unit is on the same lot as the primary residence.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section R313 or NFPA 13D.

R313.3 Dwelling unit fire sprinkler systems.

R313.3.1 General. The design and installation of residential fire sprinkler systems shall be in accordance with NFPA 13D or Section R313.3, which shall be considered equivalent to NFPA 13D. Partial residential sprinkler systems shall be permitted to be installed only in buildings not required to be equipped with a residential sprinkler system. Section R313.3 shall apply to stand-alone and multipurpose wet-pipe sprinkler systems that do not include the use of antifreeze. A multipurpose fire sprinkler system shall supply domestic water to both fire sprinklers and plumbing fixtures. A stand-alone sprinkler system shall be separate and independent from the water distribution system.

R313.3.1.1 Backflow protection. A backflow preventer shall not be required to separate a sprinkler system from the water distribution system, provided that:

- The system complies with NFPA 13D or Section R313;
- Piping materials are suitable for potable water in accordance with the California Plumbing Code; and
- 3. The system does not contain antifreeze or have a fire department connection.

R313.3.1.2 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

#### **Exceptions:**

- Attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinklers. In attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
- Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
- Bathrooms not more than 55 square feet (5.1 m²) in area.
- Detached garages; carports with no habitable space above; open attached porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

R313.3.2 Sprinklers. Sprinklers shall be new listed residential sprinklers and shall be installed in accordance with the sprinkler manufacturer's installation instructions.

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Title 18 ZONING
Chapter 18.108 SPECIAL PROVISIONS

Previous

#### 18.108.270 Second housing unit.

Notwithstanding any provision to the contrary in this title, in any zone on a parcel of land where there is in existence a legally-established "single-family dwelling," as defined in this title, a "second dwelling unit," may be allowed by the planning commission, upon first securing a use permit pursuant to Chapter 18.112 of this title. Such use shall be subject to, but not limited to, the following minimum criteria.

(1) In R-1 zones development standards shall be as follows:

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- (a) Maximum living area shall not exceed one thousand four hundred square feet or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.
- (b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.
  - (c) One additional off-street parking space shall be required.
- (d) Second dwelling unit must be connected to community water and sewer utilities for services, or must be individually approved by the county health department.
  - (e) Maximum allowable lot coverage: forty-five percent.
  - (f) Design review shall be required.
- (2) In A-2 zones, or in other zones where a single-family dwelling has been legally established, development standards shall be as follows:
- (a) Maximum living area shall not exceed one thousand four hundred square feet, or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.
- (b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.
  - (c) One additional off-street parking space shall be required.
  - (d) Second dwelling unit must be individually approved by the county health department.
  - (e) Design review shall be required.
- (3) There are no areas in Lassen County in which "accessory dwelling units," as defined in Government Code Section 65852.2, shall be allowed by right, given the specific scarcity of public water, sewer, and fire services in Lassen County. All applications for second dwelling units shall be processed pursuant to Title 18 of the Lassen County Code and the general plan. This subsection complies with the requirements set forth for the ordinance described at Government Code Section 65852.2(a) et seq. (Ord. 2018-007 § 2; Ord. 467-AE § 7, 2009; Ord. 467-F § 2, 1988; Ord. 467 § 66, 1984).

View the mobile version.

Responsibility: Plann

Planning and Building Services Department,

Planning Division and Grants and Loans Division

Objective:

Identify annual housing priorities and prepare

annual report

Funding Source:

No additional funding required, General

Fund

Time Frame:

Annually by April 1

#### Programs - Goal HE-2: Affordable Housing

HE-2.A Density Bonus Ordinance: Develop and adopt a density bonus ordinance in accordance with state law. The ordinance will specify that the County will grant a density bonus to developers that include a minimum specified percentage of extremely low-, very low-, low-, and moderate-income dwelling units within residential developments, in accordance with Section 65915 of the Government Code. Units designated for low-income households shall be required to remain affordable consistent with the requirements of the funding source and state law.

Responsibility:

Planning and Building Services Department,

Planning Division

Objective:

Adopt a density bonus ordinance

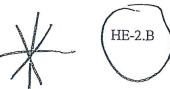
Funding Source:

General Fund, CDBG Planning and Technical

Assistance funds, SB 2 funds

Time Frame:

Adoption by March 2020



Accessory Dwelling Unit Ordinance: Continue to allow accessory dwelling units per Section 18.108.270(3) of County Code. County staff will continue to provide information about the process for applying to create an accessory dwelling unit at the public counter. To ensure consistency with state law (Assembly Bill 2299/Senate Bill 1069 and Assembly Bill 494/Senate Bill 229) the County shall review standards and revise as necessary to allow ADUs with a ministerial, non-discretionary process in compliance with state law.

Responsibility:

Planning and Building Services, Planning Division

Objective:

Amend County Code to comply with state ADU law.

# LASSEN COUNTY HOUSING ELEMENT UPDATE

# **COMMUNITY WORKSHOP**



Lassen County invites members of the community to participate in a Housing Element Workshop. Please join us to learn more about the update process, identify specific needs and opportunities, and share your insights and ideas on how the County can improve housing opportunities in the future.

The Housing Element establishes specific goals, policies and objectives to guide the development of housing in unincorporated Lassen County. Community input will be used in developing new Housing Element Policies and programs and to modify existing policies.



## COMMUNITY WORKSHOP SUSANVILLE

Planning Commission Tuesday, November 7, 2023 at 1:30pm Board of Supervisors Chambers 707 Nevada Street Susanville, CA 96130



For more information visit the Housing Element Update Website

https://www.lassencounty.org/dept/planning-and-building-services/housing-element-update

For questions or to respond to the Housing Element Update, please contact the Lassen County Planning and Building Services Department and submit your response in writing or contact Gaylon Norwood, Deputy Director, at (530) 251-8269 or LassenHousingElement@4leafinc.com