

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of September 1, 2020

RESOLUTION NO. 20-78

RESOLUTION NO. 20-78 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING INLAND GENERAL PLAN AMENDMENTS ASSOCIATED WITH THE ADU ORDINANCE.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, changes to California Government Code Sections 65852.2 and 65852.22 in 2017 and 2019 superseded the County's Second Unit Ordinance; and

WHEREAS, under Government Code Section 65852.2 a local agency may, by ordinance, regulate the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use, provided its regulations are no more restrictive than set forth in that section; and

WHEREAS, Humboldt County's General Plan 2019 Housing Element Update directs the County to develop an Accessory Dwelling Unit Ordinance as set forth in H-P29 and H-IM41; allow tiny houses and moveable tiny houses as residences as set forth in H-P30, H-IM30, H-IM38, and H-IM39; and support alternative owner- built residences as low-cost housing as set forth in H-P15; and

WHEREAS, the proposed inland regulations and related General Plan and Building Code amendments were developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and

WHEREAS, the proposed ADU Ordinance and related General Plan amendments that apply to the inland areas of the County outside of the coastal zone may be approved if all the required findings can be made as specified in the General Plan, Zoning Ordinance and state law; and

WHEREAS, the proposed ADU Ordinance and related General Plan Amendments have been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

WHEREAS, a series of public hearings was held on the matter before the Humboldt County Planning Commission on May 21st, June 4th, July 18th, July 9th, and July 23rd of 2020, during which the Planning Commission reviewed, took public comments, and recommended changes to the draft ordinance and General Plan amendment attached as Exhibit A of this Resolution; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommended the Board of Supervisors 1) approve the Accessory Dwelling Unit Ordinance, related General Plan amendments and Building Code changes and 2) direct the Planning Department to update the Jacoby Creek Community Plan to refine the residential density limitations while also protecting water quality in the area; and

WHEREAS, on September 1, 2020 the Board of Supervisors held a public hearing on the proposed ordinance and related General Plan and Building Code amendments, and received public comments, reviewed and considered all public testimony and evidence and presented at the hearing;

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. **FINDING:** The proposed Inland ADU Ordinance and General Plan amendments are exempt from environmental review.
- EVIDENCE:** a) Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) exempt from environmental review adoption of an ordinance regulating Accessory Dwelling Units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

CONSISTENCY WITH THE GENERAL PLAN.

2. **FINDING:** Humboldt County General Plan G-P8 states the General Plan may be amended if base information or physical conditions have changed. The base information underlying the General Plan has changed.
- EVIDENCE:** a) In 2017 with the passage of Senate Bill 1069 the State declared that allowing ADU's in single-family or multifamily residential zones provides additional rental housing stock, and these units are an essential component of housing supply in California. In response, several laws were enacted removing regulatory barriers for development of ADU's, including Gov. Code Secs. 65852.2 and 65852.22, enacted in 2017 and 2019 respectively. These state laws nullified the County's Second Unit Ordinance and imposed State standards in its place. The proposed ADU Ordinance will re-establish local regulation of ADU's to maximize its relevance and responsiveness to local conditions. References in the General Plan to "Secondary Dwelling Units" or "Second Units" are proposed to be amended to "Accessory Dwelling Units" to harmonize the General Plan with the ADU Ordinance.
- b) The 2019 Housing Element of the General Plan highlighted the inability to produce housing affordable to lower income households in the County. It included an implementation measure to amend the Zoning Ordinance to encourage development ADU's as an important component of the County's strategy to develop more housing affordable to lower income households (Implementation Measure **HE-IM41 Allowance for Accessory Dwelling Units**). The proposed General Plan Amendments are necessary to harmonize the General Plan with the ADU Ordinance in accordance with the recent changes to state laws and to provide clear and consistent regulations for ADU's.

3. **FINDING:** Humboldt County General Plan Section 3.3 stipulates the General Plan Amendment must not be appropriate for the next scheduled update. The proposed General Plan Amendment is not appropriate for the next scheduled update.

EVIDENCE: a) Housing Element Implementation Measure HE-IM41 specifies the timeframe for adoption of an ADU Ordinance is December 31, 2019, nearly nine months ago. The proposed General Plan Amendment is necessary to make the General Plan consistent with the ADU Ordinance and to carry out the ADU Ordinance. References in the General Plan to “Secondary Dwelling Units” or “Second Units” are proposed to be amended to “Accessory Dwelling Units” to be consistent with the ADU Ordinance. It would not be appropriate to delay making the Zoning Ordinance and General Plan consistent with each other so the General Plan Amendment coincides with the next scheduled update of the General Plan.

4. **FINDING:** Humboldt County General Plan Section 3.3 stipulates the General Plan Amendment must be in the public interest. The proposed General Plan Amendment is in the public interest.

EVIDENCE: a) The 2019 Housing Element included an implementation measure to amend the Zoning Ordinance to encourage development ADU’s. The proposed General Plan Amendment harmonizes the allowed uses in the General Plan with those in the ADU Ordinance and is necessary to carry out the ADU Ordinance. Implementing the 2019 Housing Element is in the public interest.

b) The purpose of the proposed General Plan Amendments is to ensure consistency of terminology between the General Plan and Zoning Regulations. For the sake of consistency, references in the General Plan to Secondary Dwelling Units or Second Units are amended to Accessory Dwelling Units. Eliminating multiple terms for the same object, and removing confusing terminology promotes better understanding of the regulations, and is therefore in the public interest.

CONSISTENCY WITH STATE GENERAL PLAN LAW.

5. **FINDING:** Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed General Plan Amendment does not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The proposed General Plan Amendment changes references in the General Plan from “Secondary Dwelling Units” or “Second Units” to “Accessory Dwelling Units” to harmonize the General Plan with the ADU Ordinance. The intent of these changes is to encourage development of ADU’s which will expand the number of housing units which may be constructed on an annual basis.

CONSISTENCY WITH THE ZONING ORDINANCE.

6. FINDING: Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed ADU Ordinance is in the public interest.

- EVIDENCE:**
- a) The 2019 Housing Element of the General Plan highlighted the inability to produce housing affordable to lower income households in the County, and included an implementation measure (H-IM41) to amend the Zoning Ordinance to encourage development ADU's as an important component of the County's strategy to develop more housing affordable to lower income households. The proposed ADU Ordinance implements H-IM41 and is intended to help meet identified housing needs of lower income households in the County.
 - b) The proposed ADU Ordinance will re-establish local regulation of ADU's to maximize its relevance and responsiveness to local conditions.
 - c) In enacting the ADU statutes, the state legislature identified these other ways zoning ordinances incentivizing ADUs are in the public interest: (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government. The proposed ADU Ordinance advances each of these goals.

7. FINDING: Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed ADU Ordinance is consistent with the General Plan.

- EVIDENCE:**
- a) The proposed ADU Ordinance implements H-IM41 of the 2019 Housing Element of the General Plan.
 - b) The proposed ADU Ordinance provisions establishing standards and allowances for Tiny Houses and Moveable Tiny Houses implement Housing Element Policies H-P30, and H-P31, and Implementation Measures H-IM38 and H-IM39 which call for allowing and encouraging tiny houses and moveable tiny houses as permanent dwellings.

8. FINDING: Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.

- EVIDENCE:**
- a) The proposed ordinance involves parcels which are included in the residential land inventory used by HCD in determining compliance with housing element law. The ADU Ordinance supports increased residential densities rather than decreased densities on these parcels. Therefore, it would not reduce the residential density for any parcel below that used by HCD in determining compliance with housing element law.

NOW THEREFORE, be it resolved that the Board of Supervisors hereby:

1. Adopts the findings contained herein;
2. Adopts the General Plan Amendments as shown in Exhibit A of this Resolution;
3. Directs Planning Department staff to update the Jacoby Creek Community Plan Policy JCCP-P26. Residential Densities, to refine the residential density limitations while also protecting water quality in the area;
4. Finds the project exempt from the California Environmental Quality Act and directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
5. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on September 1, 2020 by the following vote:

Dated: September 1, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors

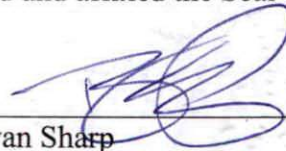
Adopted on motion by Supervisor Madrone, seconded by Supervisor Wilson, and the following vote:

AYES:	Supervisors	Bohn, Bass, Fennell, Madrone
NAYS:	Supervisors	Wilson
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT A

Chapter 4 – Land Use Element

FR-P10. ~~Secondary Residential Construction on TPZ Zoned Parcels.~~ ~~Second residential units~~ Accessory Dwelling Units may be allowed on TPZ parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. ~~Second units~~ Accessory Dwelling Units may be allowed on TPZ parcels of less than 40 acres within Community Planning Areas.

FR-P18. Transfer of Development Rights (TDR) Program. Research and develop, if feasible, a voluntary Transfer of Development Rights program as a method of protecting larger tracts of resource lands based on community input. The density credit would not count ~~second units~~ Accessory Dwelling Units in the calculation.

Table 4-B Residential Land Use Designations

Allowable Use Types	RM	RL	RE	RA
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit				
<u>Accessory Dwelling Unit</u>	X	X	X	X
Multi-Family Residential	X	X		
Manufactured Home	X	X		
Parks		X	X	X
Guest House	X			
Group Residential	X	X	X	X
Planned Developments	X			
Emergency Shelter	X			
Transitional Housing	X	X	X	X
Residential Accessory Uses ¹				
Other				
Cottage Industry	X	X	X	X
Bed & Breakfast Inns	X	X	X	X
Community Assembly	X	X	X	X
Neighborhood	X	X	X	X
Commercial	X	X	X	X
Non-Commercial	X			
Recreation	X	X	X	
Office and Professional			X	X
Private Institution			X	X
General Agriculture			X	X
Intensive Agriculture			X	X
Stables & Kennels	X	X	X	X
Timber Production	X	X	X	X
Fish & Wildlife	X	X	X	X
Management				
Essential Services				

Allowable Use Types	RM	RL	RE	RA
Similar Compatible Uses				
Development Standards				
Density Range	7 to 30 units per acre, as specified on map	1-8 units per acre, as specified on map	1 to 5 acres per unit, as specified on map	5 to 160 acres per unit, as specified on map
Max. Floor Area Ratio	1.00	0.40	0.20	0.10
Additional Provisions	per zoning	per zoning	per zoning	per zoning

1. Residential Accessory Uses include Community Care Facilities, Family Day Care Center, and Family Day Care Home.

2. Coastal:

- The coastal RE & RL designations allow neighborhood commercial, private institution, private recreation
- The coastal RM designation allows duplexes, guest houses, hotels & motels, private institution

Table 4-D Mixed Use Land Use Designations

Allowable Use Types	MU	VC	RCC	UR/1
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit				
Accessory Dwelling Unit	X	X	X	
Multi-Family Residential	X	X	X	
Manufactured Home Parks		X	X	
Group Residential	X	X	X	
Planned Developments	X	X	X	
Emergency Shelter	X	X	X	
Transitional Housing	X	X	X	
Residential Accessory Uses ¹	X	X	X	
Commercial				
Bed & Breakfast Inn	X	X	X	
Commercial Recreation	X	X	X	
Heavy Commercial		X	X	
Neighborhood Commercial	X	X	X	
Office & Professional	X	X	X	
Private Recreation	X	X	X	
Retail Sales	X	X	X	
Retail Services	X	X	X	
Transient Habitation	X	X	X	

Allowable Use Types	MU	VC	RCC	UR/¹
Other				
Cottage Industry	X	X	X	X
Community Assembly	X	X	X	
Non-Commercial Recreation	X	X	X	
General Agriculture		X	X	X
Stables & Kennels		X	X	
Timber Production		X	X	X
Fish & Wildlife Management	X	X	X	X
Essential Services	X	X	X	
Similar Compatible Uses	X	X	X	X
Development Standards				
Max. Floor Area Ratio	3	2	2	
Maximum Structure Height and other development standards	per zoning	per zoning	per zoning	per zoning

1. Uses listed are allowed interim uses prior to services being available to the parcel; no subdivision is allowed. Once services are available, allowed uses and densities are defined by the land use designation following the "/", such as UR/RL which indicates that when services are available, the area may be developed according to the RL designation.
2. Family day care centers are considered an accessory commercial use.

Table 4-G Resource Production Land Use Designations

Allowable Use Types	T	AE	AG
Agricultural			
Agriculture-Related Recreation		X	X
Feed Lot/Slaughter House		X	X
General Agriculture	X	X	X
Hog Farming		X	X
Intensive Agriculture		X	X
Stables & Kennels		X	X
Timber			
Timber Production	X	X	X
Timber-Related Recreation	X		X
Commercial			
Agriculture-Related Visitor-Serving ¹	X	X	X
Timber-Related Visitor-Serving ²			
Industrial/Extractive			
Agriculture & Timber Products Processing	X	X	X
Aquaculture	X	X	X
Oil & Gas Drilling & Processing	X		X
Metallic Mining	X	X	X
Surface Mining			
Natural Resource			
Fish & Wildlife Habitat Mgt	X	X	X
Public Access Facilities	X	X	X
Resource-Related Recreational Watershed Management	X	X	X
Wetland Restoration	X	X	X
Other			
Cottage Industry		X	X
Farm Employee Housing		X	X
Labor Camps	X	X	X
Public Recreation	X	X	X
Second Agriculture Residence		X	X
Utilities & Energy Facilities ³	X	X	X
Single Family Residence	X	X	X
Second Residential Unit			
Accessory Dwelling Unit	X	X ⁴	X ⁴
Similar Compatible Uses	X	X	X
Development Standards			
Minimum Parcel Size	40-160 acres	60 acres	20-160 acres
Ground Coverage		2 acres max.	2 acres max.
Additional Provisions	per zoning	per zoning	per zoning

¹ Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc. which do not change the character of the principal use.

² Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use.

³ Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.

⁴ Principally permitted ~~Second Residential~~ Accessory Dwelling Units shall be within the same contiguous two (2) acre building envelope containing the primary residence.

NOTE FOR ALL LAND USE TABLES: Where Development Standards are not specified, see applicable zoning regulations.

Chapter 5 – Community Services and Infrastructure Element

IS-P3. Requirements for Discretionary Development. The adequacy of public infrastructure and services for discretionary development greater than a single family residence and/or ~~second unit~~ Accessory Dwelling Unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:

- A. Existing services are adequate; or
- B. Adequacy will be attained concurrent with project implementation through project conditions; or
- C. Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or
- D. Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.

IS-S1. Adequate Public Infrastructure and Services Ordinance. Adequate public infrastructure and services standards shall be used to determine the level of infrastructure and services necessary for discretionary development greater than a single family residence and/or ~~second unit~~ Accessory Dwelling Unit or minor subdivision. Standards shall be specified by ordinance for County provided services. County standards shall be consistent with Plan policies. Standards for non-County services should be consistent with levels of service adopted by local service providers or, if standards have not been adopted, the County shall work in coordination with the local service providers to identify generally accepted standards.

Appendix B. Glossary and Definitions

RESIDENTIAL USE TYPES

~~Second Residential Unit (Second/Secondary Dwelling Unit)~~ Accessory Dwelling Unit. The ~~Second Residential~~ Accessory Dwelling Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family.

Appendix C. Community Plans

Avenue of the Giants Community Plan

~~Policy 4500-1. Plan density ranges are contingent on adequate service capacities. Current systems~~
should be upgraded to be able to provide consistent, reliable water for domestic and emergency uses.
Additional development (subdivisions, ~~second units~~ Accessory Dwelling Units, caretaker facilities, etc.)
or improvements to existing uses will not be approved without proof of adequate service capacities.

Eureka Community Plan

3604 Secondary Accessory Dwelling Units

Secondary Accessory Dwelling Units shall not be allowed on any parcel utilizing the density bonus, or on any parcel within a determined "bench" area.