



COUNTY OF HUMBOLDT

For the meeting of: 6/27/2023

File #: 23-841

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Public Hearing on the Coastal Accessory Dwelling Unit Ordinance as Modified by the California Coastal Commission; Record # LRP-2019-15873

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, and accept public comment; and
2. Close the public comment portion of the Public Hearing; and
3. Deliberate and comment on the draft modifications and alternatives presented; and
4. Adopt Resolution No. _____ (Attachment 1) to take the following actions:
 - a. Find the Coastal ADU Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines; and
 - b. Findings the Coastal ADU Ordinance is consistent with the General Plan, the Coastal Act, and State Housing Law;
5. Adopt Coastal Ordinance No: _____ (Attachment 2), Coastal Accessory Dwelling Unit Regulations as Modified by the California Coastal Commission; and
6. Direct the Clerk of the Board to publish a Summary of the Ordinance (Attachment 3) within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance: and
7. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

SOURCE OF FUNDING:

The funding for preparing this item is from the General Fund contribution to the Long Range Planning unit, 1100-282. These costs will be largely offset by reimbursement from the LEAP grant awarded to the county in 2020.

DISCUSSION:

The Coastal Accessory Dwelling Unit (ADU) Regulations were approved by the Board of Supervisors on July 13, 2021 (Ordinance No. 2679) and transmitted to the Coastal Commission as a Local Coastal Plan Amendment (LCP-1-HUM-21-0067-3). On Feb. 10, 2023 the Coastal Commission tentatively approved the proposed ordinance subject to the County also adopting the changes. Staff believes the modifications by the Coastal Commission clarify the ordinance consistent with the requirements of state law so staff recommends adoption.

The recommended modifications include the following changes:

- 1) Clarification of notice and public hearing procedures for Accessory Dwelling Units (ADUs) in the Coastal Zone;
- 2) A definition of Junior Accessory Dwelling Unit (JADU) added to section 313-145;
- 3) Text clarifying when a Coastal Development Permit is required;
- 4) Addition of a deed restriction requirement preventing use of the ADU as transient habitation;
- 5) Strike the allowance for an ADU that exceeds 1200 square feet with a Special Permit;
- 6) Requirement that ADUs be clustered with other existing structures to the maximum extent feasible on prime agricultural soils and timberlands; and
- 7) Add to the Special Permit Areas (1) lands subject to future sea level rise with a 75-year design life horizon, and (2) parcels that require new wells or septic systems to accommodate the ADU or JADU.

Planning Commission Review

The Planning Commission held a public hearing on June 1, 2023 and approved a resolution recommending the Board of Supervisors adopt the ordinance as modified by the Coastal Commission. Staff will present the approved Resolution to the Board at or prior to the public hearing.

Environmental Review

The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines; CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program.

FINANCIAL IMPACT:

Implementation of the Coastal ADU Regulations will be offset by permit fees. Additional LEAP grant funds awarded to the county in 2020 will be applied to staff training and public technical guidance regarding the amended regulations. By meeting the requirements of State Housing Law and implementing the 2019 Housing Element, the county maintains eligibility for future state funding.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of protecting vulnerable populations by exploring affordable housing options and other successful housing programs in the county.

OTHER AGENCY INVOLVEMENT:

State Department of Housing and Community Development, California Coastal Commission, Department of Public Works, Department of Health and Human Services - Environmental Health Division, Tribal governments and tribal organizations, and the Office of County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose to not adopt specific modifications to the proposed Coastal ADU Ordinance. Staff does not recommend this alternative because that would nullify the Coastal Commission's approval and the County would have to re-start the certification process with the Coastal Commission.

Alternatively, the Board may decline to approve the Coastal ADU Ordinance if it finds that the evidence presented does not support making all the required findings. In that case the existing Accessory Dwelling Unit regulations in state statute would continue to govern development of ADUs in the Coastal Zone. Planning staff believes the evidence supports making all the required findings and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Resolution Adopting the Coastal Accessory Dwelling Unit Regulations as Modified by the California Coastal Commission.
2. Ordinance _____ Modifications to the Coastal Accessory Dwelling Unit Regulations.
3. Post-Adoption Summary.

PREVIOUS ACTION/REFERRAL:

Board Order No.: NA

Meeting of: July 13, 2021

File No.: 21-884