

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-70

RESOLUTION NO. 21-70 of the Board of Supervisors of the County of Humboldt CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKING FINDINGS OF FACT CONCERNING THE LOCAL COASTAL PROGRAM AMENDMENT, AND ADOPTING AMENDMENTS TO SIX COASTAL LAND USE PLANS, ALL PERTAINING TO ACCESSORY DWELLING UNITS.

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, the Board of Supervisors, at its September 1, 2020 meeting, approved the Coastal Accessory Dwelling Unit Ordinance No. 2651; and approved by Resolution 20-79, the Coastal Plan amendments (which together make up the "LCP Amendment"), and directed staff to transmit the LCP Amendment to the Coastal Commission for certification; and

WHEREAS, after further consultation with the Coastal Commission staff, staff transmitted on December 15, 2020, a revised draft LCP Amendment to Commission staff incorporating its suggested revisions. The Coastal Commission responded by letters of January 6, 2021 and April 5, 2021 requesting information, clarification, and certain revisions to the text of the ordinance and land use plans; and

WHEREAS, the amendments to the Board-approved Local Coastal Program presented here incorporate all changes requested by the Coastal Commission staff after the approval of the Draft LCPA on September 1, 2020 as well as text amendments mirroring those proposed for the Inland Zoning Regulations; and

WHEREAS, the changes proposed by the Commission staff to the Board-approved draft of the LCP accomplish the following: (1) clarify certain definitions; (2) clarify when a CDP is required; (3) clarify types of notice and when they are required; (4) better explain the CDP process; (5) refine ADU provisions on resource lands; and (5) add language that fortifies coastal resource protections embedded in the LCP; and

WHEREAS, the proposed LCP Amendment was 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 to incorporate recommendations of the California Coastal Commission; and

WHEREAS, the Planning Division prepared and made available to the public the draft Local Coastal Program Amendment consisting of text amendments to the Coastal Zoning Ordinance, and changes to the six Local Coastal Plans;

WHEREAS, the Planning Division has made drafts of the proposed Local Coastal Program Amendment available to the public on the County's webpage at <https://humboldt.gov/2448/2019-Housing-Element>; and

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WHEREAS, 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. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, on April 23, 2021, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed Zoning Text Amendments and Local Coastal Program Amendment regarding accessory dwelling units, which also serves as the 45-day public notice prior to the County's final action on the Amendment required for Local Coastal Program amendments pursuant to 14 CCR 13515(d); and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed Local Coastal Program Amendment on May 6, 2021 to receive a report and any supplements to the report on the draft amendments, as well as evidence and testimony; and

WHEREAS, at the above meeting, Humboldt County Planning Commission approved Resolution 21-74 making all the required findings and recommending that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.
3. Adopt amendments to the Humboldt Bay Area Plan, North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan to update development policies and land use designations to accommodate changes in state law regarding ADUs in the coastal zone as shown in Exhibit A of this Resolution.
4. Repeal by ordinance, Ordinance 2651 amending the Coastal Zoning Regulations, and adopt the proposed Ordinance as shown in Attachment 5 of this staff report, amending section 312 of Chapter 2, and section 313 of Chapter 3 of Division 1 of Title III of the County Code.
5. Agree to carry out the Local Coastal Program Amendment in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal Land Use Plans.
6. Direct Planning staff to withdraw the Local Coastal Plan Application No. LCP-1-HUMJ-20-00904-1 transmitted to the California Coastal Commission on December 15, 2020 in its entirety, to be superseded by the revised Local Coastal Plan package herein, including all necessary supporting documentation, for their review and certification in accordance with Public Resources Code Section 30514.

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7. Resolve that the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Humboldt County Board of Supervisors.
8. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and

WHEREAS, on July 13, 2021 the Board of Supervisors held a public hearing on the proposed ordinance and related Coastal Plan amendments, received public comments, and reviewed and considered all public testimony and evidence presented at the hearing.

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

1. 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. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA.
2. The Board makes the Required Findings of Approval for the Local Coastal Program Amendment findings set forth in Exhibit B of this Resolution which is fully incorporated herein by reference.
3. The Board of Supervisors finds the proposed amendments to the Coastal Zoning Regulations are in conformity with and appropriately carry out the policies of each of the Humboldt County's six Coastal Plans and certifies its intent to carry out the Coastal Plans in a manner fully consistent with the California Coastal Act.
3. The Board finds that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations will be carried out in accordance with the Coastal Act.
4. The Board of Supervisors provides notice to the California Coastal Commission and its staff that this Resolution withdraws the County's previously submitted Local Coastal Program Amendment (LCPA) Application No. LCP-1-HUM-20-0090-1, and replaces it with a subsequent transmittal containing the LCP proposed herein.

The current Application differs from the previous one in the following ways:

- The proposed LCP reflects the recommendations of the Coastal Commission in its January 6 and April 5, 2021 letters, and in later staff communications.

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- Repeals Ordinance 2651 which approved the previous LCP draft, and proposes a superseding ordinance.
- Corrects non-substantive errors and omissions in the previous draft and adds Coastal Development Permit process clarifications.
- Makes two substantive changes at the request of local Coastal Commission staff: (1) prohibits ADUs on prime agricultural soils in all agricultural designations instead of in AE and AEP only; and (2) adds elements to the definition of the two-acre residential curtilage area on timberlands.
- Makes minor, non-controversial text changes to the coastal zoning ordinance that make it easier to use, remove inconsistencies, and provide answers to common questions from the public.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby:

1. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Zoning Regulations and Coastal Plans required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission;
2. Adopts the Coastal Plan Amendments as shown in Exhibit A of this Resolution;
3. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinance within fifteen (15) days after its passage.
4. Directs Planning and Building Department staff to transmit the Coastal ADU Ordinance and Coastal Plan Amendments, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143. This transmittal supersedes the LCPA Application No. LCP-1-HUM-20-0090-1, which was transmitted on December 15, 2020 and is withdrawn herein.
5. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
6. Directs the Clerk of the Board to give notice of the decision to any interested party.


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The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on July 13, 2021 by the following vote:

Dated: July 13, 2021



Virginia Bass, Chair
Humboldt County Board of Supervisors

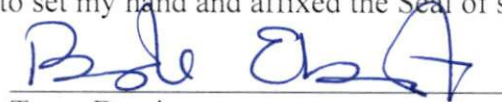
Adopted on motion by Supervisor Madrone, seconded by Supervisor Bushnell, and the following vote:

AYES:	Supervisors	Bohn, Bass, Madrone, Bushnell,
NAYS:	Supervisors	--
ABSENT:	Supervisors	Wilson
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.



Tracy Damico
Deputy Clerk of the Board of Supervisors
of the County of Humboldt, State of California

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**EXHIBIT A
To Attachment 4**

**DRAFT AMENDMENTS TO THE LOCAL AREA COASTAL PLANS OF THE HUMBOLDT
COUNTY LOCAL COASTAL PROGRAM**

**HUMBOLDT BAY AREA PLAN, CHAPTER 3, DEVELOPMENT AND RESOURCE
POLICIES**

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike-out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double-strike-out~~ and as double underlined text):

3.23 TIMBERLANDS

B. Development Policies

1. Identification of Timberlands

(e) No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber, and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling unit that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

a. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use

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permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

Other uses considered compatible with agricultural operations include:

- (1) Management for watershed
- (2) Management for fish and wildlife habitat.
- (3) Recreational uses not requiring non-agricultural development under the control of the owner.
- (4) The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se.)
- (5) Farm labor housing and temporary labor camps of less than one-year duration shall require a conditional use permit.
- (6) An accessory dwelling unit not located on prime agricultural soil shall be permitted without occupancy restriction.

HUMBOLDT BAY AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike-out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double-strike-out~~ and as double underlined text):

4.10 A. URBAN LAND USE DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

PRINCIPLE USE: multiple-unit residential development for occupancy by individuals, groups or families, exclusive of mobile home developments; accessory dwelling units as specified in 313-69.05.3.8.3 and 69.05.3.8.4.

RM: RESIDENTIAL/MEDIUM DENSITY

PRINCIPAL USE: duplex, multiple unit and mobile home residential development for occupancy by individuals or families; accessory dwelling units within or accessory to multifamily dwellings, as specified in 313-69.05.3.8.3 and 69.05.3.8.4.

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences and accessory dwelling units.

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RE: RESIDENTIAL ESTATES

PRINCIPAL USE: detached single-family residences and accessory dwelling units.

CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: single-family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: production of agricultural crops with a residence and accessory dwelling unit incidental to this use.

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit with neighborhood commercial services as allowed by Section 3.28C of this document.

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit that is not on prime ag soil, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit that is not on prime ag soil, and principle permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USE: timber production including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use as provided in Section 3.23 of this document, and principle uses permitted under AE, ~~except second dwelling~~.

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

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CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: single-family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartments on the upper floor of multi-story structures.

NORTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the North Coast Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike-out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double-strike-out~~ and as double underlined text):

3.33 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

Other uses considered compatible with agricultural operations include:

- a. Management for watershed
- b. Management for fish and wildlife habitat
- c. Recreational uses not requiring non-agricultural development under the control of the owner
- d. The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se.)
- e. Farm labor-housing and temporary labor camps of less than one year duration shall require a conditional use permit.

(6) An accessory dwelling unit not located on prime agricultural soil shall be permitted without occupancy restriction.

3.34 TIMBERLANDS

B. COMPATIBLE USES

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1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. ~~A~~The second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

NORTH COAST AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the North Coast Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double strike out~~ and as double underlined text):

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

PRINCIPLE USE: Detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: Single family house on existing lots, junior accessory dwelling unit, a caretaker's residence, apartment on the upper floor of multistory structures.

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services as allowed by Section 3.36B of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

PRINCIPAL USE: Production of food, fiber or plants, as provided in Section 3.54 with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit that is not on prime ag soil; barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit that is not on prime ag soil incidental to this use.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production as provided in Section 3.34 including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use, and principle uses permitted under AEP ~~except second dwelling. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

CONDITIONAL USES: Management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber products processing plants for commercial processing of wood and wood products.

CR: COMMERCIAL RECREATION

CONDITIONAL USES: Single family residences and junior accessory dwelling units on existing lots, caretaker's residence, apartments on the upper floor of multistory structures.

TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Trinidad Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double strike out~~ and as double underlined text):

3.24 TIMBERLAND

A. PLANNED USES

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1. Identification of Timberlands

(e) No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses, ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as not to ~~not~~ constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.

Chapter 4 of the Trinidad Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double strike out~~ and as double underlined text):

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

PRINCIPAL USE: detached single family residences, accessory dwelling units, subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR COMMERCIAL RECREATIONAL

CONDITIONAL USES: single family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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RR RURAL RESIDENTIAL

PRINCIPAL USE: residential, accessory dwelling unit. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

RV RURAL VILLAGE

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 B2. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at Section 313-69.05.~~

TC COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: timber production as provided in Section 3.24 of this document including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use ~~as provided in Section 3.24 of this document~~ incidental to this use, and principal uses permitted under AEP ~~except second dwelling.~~

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the McKinleyville Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double strike out~~ and as double underlined text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

Other uses considered compatible with agricultural operations include:

- a. Management for watershed.

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- b. Management for fish and wildlife habitat.
- c. Recreational uses not requiring non-agricultural development under the control of the owner.
- d. The erection, construction alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se).
- e. Farm labor housing and temporary labor camps of less than one year duration shall require a conditional use permit.
- f. An accessory dwelling unit not located on prime agricultural soil shall be permitted without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

- f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. The A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the McKinleyville Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike-out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double-strike-out~~ and as double underlined text):

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5.20 URBAN PLAN DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

PRINCIPLE USE: multiple-unit residential development for occupancy by individuals, groups or families, exclusive of mobile home developments; accessory dwelling units as specified in 313-69.05.3.8.3 and 69.05.3.8.4.

RM: RESIDENTIAL/MEDIUM DENSITY

Principle Use: Duplex, multiple unit and mobile home residential development for occupancy by individuals or families; accessory dwelling units as specified in 313-69.05.3.8.3 and 69.05.3.8.4.

RL: RESIDENTIAL/LOW DENSITY

PRINCIPLE USE: Detached single family residences, accessory dwelling units.

RE: RESIDENTIAL ESTATES

PRINCIPLE USE: Detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

CR: COMMERCIAL RECREATIONAL

CONDITIONAL USES: Single family house on existing lots, junior accessory dwelling unit, a caretaker's residence, apartment on the upper floor of multistory structures.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services.

RR: RURAL RESIDENTIAL

PRINCIPAL USE: Residential, accessory dwelling unit, subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

Principal Use: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit that is not on prime agricultural soil, and principal uses permitted under TC; ancillary development such as barns, storage sheds and similar agricultural structures.

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AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS

PERMITTED USE: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit that is not on prime ag soil; and the principle permitted uses under TC. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

AG: AGRICULTURE/GENERAL

PRINCIPLE USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit that is not on prime ag soil incidental to this use. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use as provided in Section 3.35 (Timberlands) of this document, and principle uses permitted under AEP. ~~except second dwelling.~~

CONDITIONAL USES: Management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings,~~ temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

CR: COMMERCIAL RECREATION

CONDITIONAL USES: Single family house and junior accessory dwelling unit on existing lots, a caretaker's residence, apartments on the upper floor of multi-story structures.

EEL RIVER AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Eel River Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double strike out~~ and as double underlined text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel;

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except that on parcels of 60 acres or larger, a second house for ~~parents or children of the owner-operator, or accessory dwelling unit and/or a junior accessory dwelling unit may be allowed without discretionary review.~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

Other uses considered compatible with agricultural operations include:

- a. Management for watershed
- b. Management for fish and wildlife habitat
- c. Recreational uses not requiring non-agricultural development under the control of the owner.
- d. The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se.)
- e. Farm labor housing and temporary labor camps of less than one year duration shall require a conditional use permit.
- f. An accessory dwelling unit not located on prime agricultural soil shall be permitted without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

(1) No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than the direct growing and harvesting of timber shall be restricted to:

- f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structure for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A The second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of

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5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

EEL RIVER AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the Eel River Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike-out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double-strike-out~~ and as double underlined text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

CONDITIONAL USES: Hotels, motels, boarding houses, mobile home development, single family residences, accessory dwelling units, guest houses, office and professional private institutions, and neighborhood commercial.

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences, accessory dwelling units ~~subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

CR: COMMERCIAL RECREATIONAL

Conditional Uses: single family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

AG: AGRICULTURE/GENERAL

Principal Use: production of agricultural crops with a residence and accessory dwelling unit incidental to this use. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

5.30 RURAL PLAN DESIGNATIONS

(The standards below apply outside Urban Limits as shown in the Area Plan.)

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.37B of this document. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

RR: RURAL RESIDENTIAL

Principal Use: residential and accessory dwelling unit ~~subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

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AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit that is not on prime agricultural soil; and principal uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

AEG(1): AGRICULTURE EXCLUSIVE/GRAZING LANDS (1)

PERMITTED USE: production of food, fiber, or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit that is not on prime ag soil; and principal permitted uses under TC.

AEG(2): AGRICULTURE EXCLUSIVE/GRAZING LANDS (2)

PERMITTED USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator, and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit that is not on prime ag soil; and principal permitted uses under TC. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: timber production including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use as provided in Section 3.35 of this document, and principal uses permitted under AEP, ~~except second dwelling including an accessory dwelling unit.~~

CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

CR: COMMERCIAL RECREATIONAL

Conditional Uses: single family house and junior accessory dwelling unit on existing lots, a caretaker's residence, and apartment on the upper floor of multi-story structures.

SOUTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the South Coast Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double strike out~~ and as double underlined text):

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3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents of children of the owner-operator shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

Other uses considered compatible with agricultural operations include:

- a. Management for watershed.
- b. Management for fish and wildlife habitat.
- c. Recreational uses not requiring non-agricultural development under the control of the owner.
- d. The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities. (Radio or television transmitting antennae shall require a conditional use permit; but such a development shall not in concept be considered incompatible with agricultural use per se.)
- e. Farm labor housing and temporary labor camps.
- f. An accessory dwelling unit not located on prime agricultural soil shall be permitted without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. The A second dwelling that is not an accessory dwelling unit shall

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require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.

Chapter 5 of the South Coast Area Plan is hereby amended as follows (text deletions and additions approved on September 1, 2020 are shown in ~~strike-out~~ and as underlined text; text deletions and additions proposed in this amendment are shown in ~~double-strike-out~~ and as double underlined text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

Principal Use: ~~detached single family homes;~~ Dduplexes, and guest houses.

Conditional Uses: Hotels, motels, boarding houses, mobile home development, single family residences, accessory dwelling units, guest houses, office and professional private institutions.

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences, accessory dwelling units ~~subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

5.30 RURAL PLAN DESIGNATIONS

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PERMITTED USE: production of food, fibre or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit that is not on prime ag soil; and principal permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use, and principal uses permitted under AEP AEG. ~~except second dwelling. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~

CONDITIONAL USES: Management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings;~~ temporary labor camps.

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EXHIBIT B
To Attachment 4

REQUIRED FINDINGS OF APPROVAL

I. Required Findings of Approval - Local Coastal Program Amendment:

The following table identifies evidence which supports finding that the proposed Local Coastal Program amendment meets the requirements for a General Plan Amendment and Zoning Ordinance Amendment.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).		
6.	FINDING:	The proposed LCP amendment is exempt from environmental review.
	EVIDENCE:	a) Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA.
CONSISTENCY WITH THE GENERAL PLAN.		
7.	FINDING:	The Humboldt County General Plan states the General Plan may be amended if base information or physical conditions have changed. The base information and physical conditions underlying the General Plan have changed.
	EVIDENCE:	a) The County's six local coastal plans were drafted and certified in the mid-1980s. Certain terminology and definitions require updating to remain meaningful to the public and to conform to state law.
		b) Changes to state housing law in Gov't. Code Secs. 65852.2 and 65852.22 in 2017 and 2019 regulate Accessory Dwelling Units, formerly designated in Humboldt County Code as "Secondary Dwelling Units". The proposed amendment harmonizes language in accordance with that change.
		c) New state law limits the ways in which ADUs can be regulated by local jurisdictions. The proposed amendments to the LCP are intended to relax restrictions on ADUs in accordance with these changes while preserving and protecting coastal resources.
8.	FINDING:	Humboldt County General Plan and state General Plan Law stipulate the General Plan Amendment must be in the public interest. The proposed amendment is in the public interest.

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	EVIDENCE:	a)	The purpose of the Land Use Plan amendments is to incorporate current state ADU law. For consistency, references 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.
		b)	Amendments to the six local coastal plans (1) update terminology; (2) clarify ADUs as allowable uses as required by state law; and (3) specify resource protection measures pertaining to ADUs. A Local Coastal Program that is harmonized with state law prevents confusion and carries out Housing Element measures. The public deserves regulations that are current and do not conflict with state law; therefore, this amendment is in the public interest.
CONSISTENCY WITH STATE GENERAL PLAN LAW.			
4.	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 amendment does not limit the number of housing units which may be constructed on an annual basis.
	EVIDENCE:	a)	The proposed LCP Amendment makes changes to the local coastal plans that (1) update terminology; (2) clarify ADUs as allowable uses as required by state law; and (3) specify resource protection measures pertaining to ADUs. No changes in land use are proposed that would reduce housing opportunities in coastal residential areas. On the contrary, reducing regulatory barriers to ADU development is intended to increase access to housing up to the allowed limits.
CONSISTENCY WITH THE ZONING ORDINANCE.			
5.	FINDING:		Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Coastal Zoning Ordinance amendment is in the public interest.
	EVIDENCE:	a)	The proposed amendment would remove the requirement for certain discretionary review in areas zoned to allow single family or multifamily use, and would relax development standards to facilitate low-cost housing. Given the findings of the legislature that (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 ordinance advances these goals, and is therefore in the public interest.

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6.	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 Coastal Accessory Dwelling Unit Ordinance amendment is consistent with, and implements the policies set forth in the six local land use plans: the Humboldt Bay Area Plan; North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan.
	EVIDENCE:	a) The Coastal ADU Ordinance amendments implement Timberlands Development Policies in HBAP section 3.23 and equivalent sections of the other land use plans, by specifying standards and regulations for development of ADUs on timberlands. Likewise, the ordinance implements Agriculture Development Policies in HBAP section 3.24 and equivalent sections of the other land use plans by specifying standards and regulations for development of accessory dwelling units on agricultural lands.
	EVIDENCE:	b) Amendments to the coastal zoning ordinance implement development policies for ADUs set forth in HBAP sections 4.10A and 4.10B (and equivalent sections in the other land use plans) through standards and regulations that apply in urban and rural zoning designations.
	EVIDENCE:	c) The amendments support Policy H-P29 of the General Plan, which directs the county to stimulate the construction of ADUs by relaxing development standards through code modifications to facilitate low-cost housing and to make more efficient use of existing roads; and Housing Element implementation measure H-IM41, requiring that the zoning code be amended to facilitate development of accessory dwelling units.
7.	FINDING:	Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance do 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. The proposed amendments do not reduce the residential density.
	EVIDENCE:	a) Some parcels affected by the ordinance changes are part of the 2019 Housing Element Housing Inventory. However, the proposed changes to the Local Coastal Program would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation). On the contrary, reducing regulatory barriers to ADU development is intended to increase housing density up to the allowed limits.
8.	FINDING:	<p>If the proposed changes to the Zoning Ordinance requires a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:</p> <p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public</p>

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		<p>access)</p> <p>b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p> <p>c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).</p> <p>g) The proposed changes to the zoning code conform to the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.</p>
	<p>EVIDENCE:</p>	<p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).</p> <p>The proposed ordinance allows for new development adjacent to or within existing or new approved single family or multifamily residences. Impacts on coastal resource access would be evaluated under the same controls and conditions as the primary residences. ADUs proposed proximate to public coastal access points would be subject to the approval of a Coastal Development Permit by Humboldt County, and access protections set forth in the local coastal plan would apply. The proposed amendment will not affect coastal access.</p>

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		<p>b) Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)</p> <p>The proposed ordinance allows for new development adjacent or within existing or otherwise approved single family or multifamily residences. For new construction, impacts on coastal recreation are subject to the same controls and conditions as the proposed primary residence, including conditions of any existing Coastal Development Permit. Where ADUs are converted from or added to existing residences, a coastal development permit is required unless exempt, and recreation impacts are assessed in accordance with the local coastal plan.</p> <p>The ordinance will protect existing lower cost visitor-serving facilities by providing alternate housing for lower income and seasonal workers in the coastal zone. Because ADUs are associated with existing residences, they prevent conversion of potential recreational properties to housing that is affordable to lower income residents. ADU locations are widely dispersed compared with other affordable income types, which prevents overloading of recreational resources.</p> <p>For the above reasons, the proposed amendment will not negatively affect recreation.</p>
		<p>c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p>The proposed changes protect marine biological resources by incorporating standards for ADUs for water accessibility, sewer and waste disposal requirements, and the same requirements for compliance with health and safety standards as other residential development. Environmentally sensitive habitats are protected by the buffers specified in local coastal plans. ADUs proposed within special combining zones or in Coastal Commission appeals jurisdictions as indicated in 313-69.05.7 may require a special permit and discretionary Coastal Development Permit. ADUs are not permitted on parcels within Coastal Natural Resources areas.</p> <p>Impacts from hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters are not associated with development of ADUs, and would not be a result of the proposed amendment. In summary, marine resources likely to be impacted by residential development are mitigated by provisions incorporated in the ordinance.</p>
		<p>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>The proposed ordinance protects agricultural and timber land by limiting the building envelope to two acres per parcel and in the area of lowest</p>

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		<p>agricultural productivity. ADUs are prohibited on prime agricultural soils. For an ADU proposed outside a Fire Protection District, or where historical or archaeological resources exist as detailed in 313-69.05.6, a Special Permit and discretionary Coastal Development Permit are required.</p> <p>Impacts to cultural and tribal cultural resources will be evaluated on a project basis as part of the Coastal Development Permit. Environmentally sensitive habitats are protected by the buffers specified in local coastal plans. ADUs proposed within special combining zones or in Coastal Commission appeals jurisdictions as indicated in 313-69.05.7 require a special permit and discretionary Coastal Development Permit.</p> <p>For the reasons above, land resources likely to be impacted by residential development are prevented or mitigated by provisions incorporated in the code.</p>
	e)	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>The proposed ordinance is consistent with development policies of the Coastal Act in that it limits increased impacts by locating ADUs adjacent to or within existing residences. Where built outside urban areas, ADUs are dispersed to the same extent that single family residences are dispersed, and would not create new concentrations of population. With regard to scenic resources, an ADU is subject to the same local coastal plan conditions as the primary unit.</p> <p>As a condition of ministerial review, the ordinance requires adequate available services. Where wastewater treatment is not available, ADUs must have a private sanitation and/or water supply system that meets County Health Department requirements. Sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, must meet County Health Department requirements.</p> <p>The Special Permit Area described in 69.05.6 minimizes risks to life and property by requiring a Special Permit where fire, landslide, bluff or cliff, flood, or tsunami conditions are present, or near toxic cleanup sites.</p> <p>Locating new housing in rural areas and unincorporated towns responds to public reports of lack of affordable housing in these areas. The ordinance intends to allow residential development near jobs, thereby eliminating commutes from urban centers where housing is more available, and reducing VMTs and associated air pollution. Changes to the zoning code do not disturb the priority given to coastal dependent development.</p> <p>The proposed amendment is designed to limit or prevent the impacts of new residential development by associating it with that already existing.</p>

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			<p>Since housing is an identified state-wide emergency, ADUs may be the best, lowest-impact way to accommodate that need.</p> <p>In conclusion, scenic resources, public works facilities, safety, and priority of coastal dependent developments will not be impacted by residential development resulting from the proposed amendment.</p>
		f)	<p>Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p> <p>The proposed ordinance concentrates ADUs where single family and multifamily residential development is principally permitted. By definition, this precludes areas with industrial development. As a result, the ordinance would have no impact on industrial development.</p>