

ATTACHMENT 2

Ordinance No. _____, repealing Ordinance 2679 and adding Section 313-69.05; amending Sections 313-5, 313-6, and 313-7, and amending Sections 313-107, 313-109, 313-136, 313-137, 313-145, 313-148, 313-154, 313-155, 313-163, and 313-177 of Chapter 3 of Division 1 of Title III of the County Code, Coastal Zoning Code; and amending Sections 312-6, 312-8, and 312-9 of Chapter 2 of Division 1 of Title III of the County Code, General Provisions, all relating to Accessory Dwelling Units (Coastal Accessory Dwelling Unit Ordinance).

ORDINANCE _____ REPEALING ORDINANCE 2679, AND ADOPTING MODIFIED COASTAL ACCESSORY DWELLING UNIT REGULATIONS BY AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 3 OF HUMBOLDT COUNTY CODE

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 3 of the Zoning Regulations is hereby amended to be consistent with California Government Code Section 68582.2, and to implement measure H-IM41 of the 2019 Humboldt County Housing Element and other related policies and measures. The ordinance repeals the previous Ordinance 2679 in its entirety; repeals Section 313-87.1 of the Humboldt County Code; adds Section 313-69.05; amends Section 313-107, Section 313-109, Section 313-136, Section 313-137, Section 313-148, Section 313-154, Section 313-155, Section 313-163, and Section 313-177; amends associated zoning regulation tables in Sections 313-6 and 313-7 of Chapter 3 of Division 1 of Title III of the County Code, Coastal Zoning Code; and amends Sections 312-6 and 312-9 of Chapter 2 of Division 1 of Title III of the County Code, General Provisions, relating to Accessory Dwelling Units.

SECTION 2. PROCESSING APPLICATIONS FOR PERMITS.

Section 312-6.3, Public Review, and Section 312-8.2 Notice of Application Submittal, of the Humboldt County Code regarding applications for permits and variances, are amended to read as follows (Text changes adopted by the County on July 13, 2021 by Ordinance 2679, are shown in ~~strike out~~ for deletions and as underlined text for additions. The Coastal Commission's modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double strikeout~~ and **bold underlined** text.):

6.3 PUBLIC REVIEW

...

6.3.1 Applications for Accessory Dwelling Units (ADUs) generally do not require a Public Hearing, but may require a Coastal Development Permit if within the Coastal Zone. In the Coastal Zone, notice of an application for a Coastal Development Permit for an ADU, where no public hearing is required, must be given in accordance with Section 312-8.1 and 8.2.

8.2 CONTENT OF THE NOTICE OF APPLICATION SUBMITTAL

The Notice of Application Submittal shall include:

- 8.2.1 The name of the applicant and the date of filing of the application; and
- 8.2.2 The file number assigned to the application;
- 8.2.3 A description of the proposed development, including the location. If located in the Coastal Zone, the application shall so state;
- 8.2.4 The following statement, in bold letters;

“The purpose of this notice is to inform you that an application for the described project has been submitted to the Community Development Services Department. The Hearing Officer may approve the application without holding a public hearing,

unless a public hearing is requested in writing by you or any individual wanting to comment on the project prior to the scheduled approval date. **A public hearing is not required for an Accessory Dwelling Unit but written comments may be submitted.** Anyone may comment on the project.

If you challenge the decision of the Hearing Officer in court, you may be limited to raising only those issues you or someone else stated orally at the project’s Public Hearing. Written correspondence delivered to the Hearing Officer at or prior to the public hearing, also counts as an issue the court may hear.”

The Board of Supervisors will not hear appeals of the Planning Commission’s or Zoning Administrator’s decision if said appellant has not given written or oral testimony at the Planning Commission or the Zoning Administrator’s hearing level.

8.2.5 A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal.

SECTION 3. PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER.

Section 312-9 of the Humboldt County Code, regarding public hearings is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike out~~ for deletions and as underlined text for additions. The Coastal Commission’s modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double~~ ~~strikeout~~ and **bold underlined** text):

9.2 PUBLIC HEARING MAY BE WAIVED

Table 9.2.4

| 9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER*** | | | | |
|--|----------------------------------|-----------------------------|---|----------------------------|
| Application Type | May Be Waived¹ | Director² | Zoning Administrator² | Planning Commission |
| Special Permit (SP) | W | O | | O |
| Use Permits (UP) that are categorically exempt from environmental review under CEQA | | | O | O |
| Use Permits (UP) that require environmental review under CEQA | | | O | O |
| Coastal Development Permits that are appealable to the California Coastal Commission | | | O | O |
| Coastal Development Permits that are appealable to the California Coastal | W | | | |

| 9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER^{***} | | | | |
|--|----------------------------------|-----------------------------|---|----------------------------|
| Application Type | May Be Waived¹ | Director² | Zoning Administrator² | Planning Commission |
| Commission and qualify as minor development consistent with Section <u>312-9.2.5</u> | | | | |
| Coastal Development Permits for Accessory Dwelling Units (ADUs) if they do not involve a Special Permit, Conditional Use Permit or Variance, and are not otherwise appealable to the California Coastal Commission. | NR | | | |
| Coastal Development Permits that do not involve ADUs and are not appealable to the California Coastal Commission | W | O | | |
| Planned Unit Development Permits | | | O | O |

*****Consistent with Government Code Section 65852.2 there is no requirement to hold a public hearing for Accessory Dwelling Units that require Coastal Development Permit (CDP).**

“W” indicates that the Public Hearing may be waived.

“O” identifies the Authorized Hearing Officer.

~~“NR” indicates Public Hearing not required, pursuant to, Govt. Code section 65852.2, but members of the public still may provide written comments.~~

¹ Subject to making all required findings of Section 312-9.2 of this Chapter.

² The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

9.2.5 The Hearing Officer may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission only if both of the following occur:

9.2.5.1 Notice is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice that a public hearing will not be held unless requested by any interested person within 15 days.

9.2.5.2 No request for a public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to Section 9.2.5.1.

9.2.6 ~~Second residential~~ **Accessory Dwelling** units (**ADUs**) do not require a public hearing

consistent with the applicable provisions of Government Code Section 65852.2.

SECTION 4. ACCESSORY DWELLING UNIT ORDINANCE

Subdivision 313-87.1 regarding Secondary Residential Units in Title III, Division 1, Chapter 3 of the Humboldt County Code is hereby repealed and replaced by 313-69.05 as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike out~~ for deletions and as underlined text for additions. The Coastal Commission’s modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double strikeout~~ and **bold underlined** text):

~~313-87.1 SECOND RESIDENTIAL UNIT~~ Repealed

313-69.05 ACCESSORY DWELLING UNIT

69.05.1 Purpose and Findings.

The provisions of this chapter are intended to set forth standards in accordance with state law for creation or conversion of at least one Accessory Dwelling Unit (ADU) per lot zoned to allow single family or multifamily dwelling residential use. In addition, this ordinance **includes provisions for the regulation of Junior Accessory Dwelling Units (JADUs) as defined in Section 313-145 and provision to allow**s a Tiny House or Moveable Tiny House as defined in Sections 313-155 and 313-148 as an ADU when developed consistent with this Section. An ADU does not exceed the allowable density for the lot on which it is located.

~~For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit that is no more than 500 square feet contained entirely within another structure; that may include separate sanitation facilities, or may share sanitation facilities with the existing structure; and that meets other criteria in Govt. Code section 65852.22. JADUs are permitted as ADUs, except that special rules apply to JADUs as set forth in section 69.05.3.8 of this code, which allows a combination JADU and a detached ADU on the same lot.~~

69.05.2 Accessory Dwelling Units Generally Permitted.

In general, ADUs **and JADUs** are permitted without a public hearing in any zone that allows single family or multifamily dwelling residential use and includes a proposed or existing dwelling, if the general provisions in 69.05.3 are met, the ADU **and/or JADU** meets the Development Regulations and Standards of Section 69.05.4, and the Exceptions in 69.05.2.2 do not apply. As specified in the Principal Zones in Sections 313-2.1 through 313-7.3, ADUs are allowed in the RS, RM, R2, RA, AE, TC, and TPZ zones with a Coastal Development Permit (CDP) as set forth below.

69.05.2.1 Coastal Development Permit Requirements for ADUs **and JADUs**.

Coastal Development Permits (CDPs) ~~may be~~ **are** required for ADUs **and JADUs** as ~~follows~~ **if the ADU/JADU meets the definition of “development” under the California Public Resources Code (Section 30106) and is not excluded from CDP requirements under the California Public Resources Code (Section 30000, ns following) or the California Code of Regulations.**

(a) In some cases, an ADU or JADU may require a Special Permit if located within the areas identified in Section 69.05.6, or when the ADU or JADU does not meet the criteria of subsection 69.05.4.6.

(a) ~~(b) ADUs Exempt or Excluded from CDP Requirements:~~

Accessory Dwelling Units and Junior Accessory Dwelling Units (JADUs) as defined in ~~Govt. Code Sections 65852.22~~ 313-136 and 145, that convert habitable space in a primary residence do not require ~~conform to requirements of that section~~ are exempt from the requirement for a CDP unless the conversion involves alteration to the size of the residence, removal or replacement of major structural components, or the placement or erection of any solid material or structure on land, or unless specified otherwise in a previously issued CDP requires a CDP or CDP amendment for any for existing development on the lot.

~~(b) ADUs that meet the requirements of the Categorical Exclusion Order E-86-4 may be excluded from CDP requirements as accessory structures if they are located: (i) within the Order's defined geographic area, (ii) not within a Coastal Commission appeals jurisdiction, (iii) not within an archaeological resource area, (iv) not within 200 feet of a coastal stream or wetland; and the ADU does not require a Special Permit or Variance.~~

~~(b) (c) ADUs and JADUs Allowed Without a Public Hearing.~~

An ADU's or JADU that requires ~~are allowed with~~ a CDP that does not involve require a public hearing if they are located outside the geographic area of the Categorical Exclusion Order E-86-4, outside the Coastal Commission appeals jurisdiction, and outside archaeological resource areas, and do not require a Special Permit or Variance. Notice must be given in accordance with Section 312-8 of this code, and final notice of the decision must be provided as described in Section 312-6.7.

~~(c) ADUs Allowed With a Public Hearing~~

ADU's that do not meet the above criteria in paragraphs (a) or (b) require a CDP with a public hearing in accordance with Section 312-9. Notice must be given in accordance with Section 312-8 of this code, and final notice of the decision must be provided as described in Section 312-6.7.

69.05.2.2 Exceptions.

ADUs and JADUs may be prohibited or may require a Special Permit in addition to a Coastal Development Permit in certain designated areas as described in Section 69.05.6, based on adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Outside the ADU Special Permit Area, an ADU that cannot meet all the criteria in subsection 69.05.4.6 may still be permitted with a Special Permit subject to meeting requirements in 69.05.6 under certain circumstances. If an earlier CDP issued for an existing structure indicates that future improvements would require a development permit, a CDP with public hearing is required.

69.05.2.3 Expedited Application Review.

The county shall act on the building permit application for an accessory dwelling unit, and any associated CDP, within 60 days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot. **If a permit application to create an ADU or JADU requires a Special Permit or a discretionary Coastal Development Permit pursuant to Section 69.05.6.1, action on the Special Permit and associated CDP may exceed the 60-day time period.**

69.05.3 General Provisions.

The following provisions apply to ADUs and JADUs.

69.05.3.1 One or more ADUs per lot.

In general, one ADU is permitted per lot developed or proposed to be developed with a single-family dwelling, and two ADUs are permitted with a multifamily dwelling. For AE lots sixty (60) acres or larger in size, an ADU unrestricted in size may be allowed instead of the allowed second residence. Configurations with more than one ADU are allowed in residential, mixed use, and multi-family zones as described in Section 69.05.3.8.

69.05.3.2 Ownership and Occupancy.

69.05.3.2.1 Ownership

An ADU **or JADU** shall not be sold separately from the principal dwelling, except that Moveable Tiny Houses may be sold when removed from the lot; **or where the ADU or the primary dwelling was built or developed by a qualified nonprofit corporation, and the other conditions of government Code Section 65852.26 are met.**

69.05.3.2.2 JADU Owner Occupancy.

The owner of the single-family residence containing a JADU must reside in either the single-family residence or the JADU unless the owner is a governmental agency land trust, or housing organization.

69.05.3.3 Renting Permitted.

The ADU may, but need not be, rented.

69.05.3.4 Short-term Lodging Prohibited.

Neither the ADU nor the primary residence shall be rented for periods of 30 days or less. **Prior to obtaining a building permit for an ADU or JADU, a deed restriction approved by the County shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling for transient habitation.**

69.05.3.5 Building Type.

The ADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a Tiny House as defined in Section 313-155; a Moveable Tiny House as defined in Section 313-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code. **A JADU may be constructed within the walls of a proposed or existing single-family residence,**

including within an attached garage or other enclosed use within the residence.

69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.

A manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting requirements, and foundation or setup configurations as described in Section 107.1 of this code.

69.05.3.5.2 Tiny Houses and Moveable Tiny Houses as ADUs.

A Tiny House as defined in Section 313-155 that meets all applicable building and development standards in this code is deemed a ~~single-family permanent~~ dwelling, and is allowed as an ADU. A Moveable Tiny House as defined in Section 313-148 that meets all applicable building and development standards in this code, and meets the criteria in 69.05.5, is deemed a single-family dwelling and is allowed as an ADU.

69.05.3.6 Sewer and Water Service.

All new ADUs within Urban Service Areas shall connect to public wastewater systems if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply.

69.05.3.7 Existing Single-Family Residence.

Where one single-family dwelling unit exists on a lot, a larger home may be constructed as the principal dwelling unit, and the existing unit treated as the ADU, provided all other **applicable** development regulations and standards can be met for both units.

69.05.3.8 ADU and JADU Configurations within Residential and Mixed Use Zones.

Combinations of ADUs and JADUs may be permitted on the same lot within residential or mixed-use zones in the configurations listed below. A junior accessory dwelling unit (JADU) is defined in ~~69.05.2 above, and in Govt. Code section 65852.22~~ **Section 313-145.**

69.05.3.8.1 ADU or JADU within Existing Single-Family Structure.

One accessory dwelling unit **or one accessory dwelling unit** per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the **existing or** proposed space of a single-family dwelling, **or the accessory unit is** within the existing space of a single-family dwelling or accessory structure, and may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The ADU or JADU has separate exterior access from the proposed or existing single-family dwelling.

- (iii) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, or by Fire Safe regulations if the site is within a State Responsibility Area for fire response.
- (iv) The junior accessory dwelling unit complies with the requirements of Section ~~65852.22~~ 313-145 and the other applicable Sections of this chapter, including a maximum size of 500 square feet floor area.

~~**A CDP is required for conversion of a non-habitable accessory building to an ADU unless exempt or excluded from CDP requirements as described in Section 69.05.2**~~

69.05.3.8.2 New Detached ADU.

One detached, newly constructed accessory dwelling unit with minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. In addition to the detached accessory dwelling unit, one JADU is allowed on the lot, if the JADU is within a single-family ~~residence or accessory structure~~ as described in subsection 69.05.3.8.1, and:

- (a) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet.

69.05.3.8.3 ADUs in Existing Multifamily Structures.

Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit shall be allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may be allowed.

69.05.3.8.4 ~~9~~ Detached ADUs with Existing Multifamily Structures.

Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

69.05.4 Development Regulations, Standards, and Applicable Codes.

The following development regulations and standards shall apply to all ADUs **and as applicable to JADUs:**

69.05.4.1 Utilities.

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes and Uniform Plumbing Codes, except that:

69.05.4.1.1 Connection Fees.

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for water and sewer services as set forth in Section 69.05.4.1.4, unless the accessory dwelling unit was constructed with a new single-family dwelling.

69.05.4.1.2 Impact Fees.

A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” as defined in subdivision (b) of Govt. Code Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

69.05.4.1.3 No New Connections in Existing Structures.

No new or separate utility connection ~~is~~ shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single family residence or accessory structure and meets conditions in Section 69.05.3.8.1, unless the accessory dwelling unit was constructed with a new single family dwelling.

69.05.4.1.4 New Detached Units.

For an accessory dwelling unit that is not contained within the existing space of a single family residence or accessory structure, or does not meet conditions in Section 69.05.3.8.1, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Govt. Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either its size in square feet or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

69.05.4.1.5 Districts Under Moratoria or Compliance Orders.

A district, resort improvement district, or community service district that is under a moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an Accessory Dwelling Unit.

69.05.4.2 Building Site.

The accessory dwelling unit shall be on the same lot as the proposed or existing primary residence. Accessory dwelling units must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ, TC, or AE, the curtilage area for residences, 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. Residences, ADUs, associated residential structures, driveways, and utilities shall be sited so as to minimize impacts to agriculturally related activities. ADUs are prohibited on prime soils on agricultural lands. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. **All new detached accessory dwelling**

on agricultural land and timberlands shall be clustered with other existing structures to the maximum extent feasible.

69.05.4.3 Total Floor Area.

The total floor area of a detached ADU shall not exceed 1,200 square feet. If there is an existing primary residence, the total area of floor space of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the area of the existing primary residence or 1,200 square feet. The minimum floor area shall be 150 square feet. Floor area includes all enclosed habitable living space but excludes sheds, garages and storage areas.

~~**69.05.4.3.1 ADUs that exceed 1,200 square feet or attached ADUs that exceed fifty percent (50%) of the area of the existing primary residence may be permitted with a Special Permit.**~~

69.05.4.4 Sprinklers.

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

69.05.4.5 Setbacks.

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

69.05.4.6 Parking.

Each ADU requires one (1) parking space. These spaces may be provided in tandem on a driveway. Off street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

69.05.4.6.1 Exceptions to Parking Standards.

Parking standards for an ADU **or JADU** shall not apply if the ADU **or JADU** is (1) located within one-half mile walking distance of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, **for** ADUs less than 1,000 square feet in size, no parking shall be required.

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

69.05.4.8 Services.

The applicant shall provide evidence of adequate services to serve the accessory dwelling unit including water supply and sewage disposal.

69.05.4.9 Public Access.

Accessory dwelling units shall not obstruct public access to and along the coast or public trails and shall conform to the Public Access Policies and Standards of the applicable Coastal Plan.

69.05.4.10 Visual Resources.

Accessory dwelling units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast, and shall conform to the Visual Resource Protection Policies and Standards of the applicable Coastal Plan.

69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

All development associated with accessory dwelling units shall conform to the Natural Resources Protection Policies and Standards of the applicable Coastal Plan.

69.05.4.12 Agricultural Lands.

All development associated with accessory dwelling units shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to the use of land for agriculturally related activities. **All new detached accessory dwelling units shall be clustered with other existing structures to the maximum extent feasible.**

69.05.4.13 Timberlands.

All development associated with accessory dwelling units shall be sited so as to minimize impacts to timber related activities. **All new detached accessory dwelling units shall be clustered with other existing structures to the maximum extent feasible.**

69.05.4.14 Accessory Dwelling Units on Lots with Nonconforming Use or Structure.

Accessory dwelling units may be approved on lots with nonconforming uses, structures, or support facilities provided that no greater degree of nonconformity is created **and the ADU complies with all ESHA protection policies.**

69.05.5 Moveable Tiny House as an ADU.

In addition to the other provisions of this Section, Movable Tiny Houses as defined in Section 313-148 used as ADUs shall comply with all of the following provisions:

69.05.5.1 Skirting.

The undercarriage (wheels, axles, tongue and hitch) must be hidden from view.

69.05.5.2 Foundation or Pad.

69.05.5.2.1 Foundation.

If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing, or follow an alternative design certified by a licensed engineer.

69.05.5.2.2 Paved or Alternate Pad.

If the wheels are not removed, the parking area shall include bumper guards, curbs, or other installations adequate to prevent movement of the unit. The wheels and leveling or support jacks must sit on a paving surface compliant with either of the following.

69.05.5.2.2.1 Paving.

A parking area for a moveable tiny house on wheels shall be paved with hard, durable asphaltic paving that has been mixed at a plant and is at least two inches thick after compaction, with Portland cement paving at least three inches thick, or an alternative

as described below.

69.05.5.2.2.2 Alternative Paving Materials.

An alternative paving material is one of the following: porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, and restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids.) Alternative paving materials are permitted subject to all the following requirements:

- (a) Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches).
- (b) Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.

69.05.5.3 Mechanical Equipment.

Mechanical equipment shall be incorporated into the structure and not located on the roof.

69.05.5.4 Sprinklers.

Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.

69.05.5.5 Applicable Codes.

Moveable Tiny Houses shall meet either the provisions of ANSI 119.5 or NFPA 1192 standards, or the provisions of the California Building Code, including 2019 CA Residential Code Appendix Q Tiny Houses or other adopted alternatives, or both.

69.05.5.6 Design standards.

Movable Tiny Houses must comply with all requirements for Detached ADUs and shall have the following design elements:

- (a) Materials used as exterior wall covering shall be natural or man-made, non-reflective materials; and no more than 10% of the exterior may be reflective in nature;
- (b) Windows shall be at least double pane glass and labelled for building use, and shall include exterior trim;
- (c) Roofs shall have a minimum of a 1:12 pitch for greater than 50% of the roof area;
- (d) The unit shall be plumbed to allow connection to an approved means of sewage disposal, septic system, or waterless toilet. Portable or enclosed waste storage tanks are not allowed for sewage disposal.
- (e) A Moveable Tiny House need not be connected to a source of electrical power, but if it is, the installation shall be in accordance with the California Electrical Code, Part 3, Title 24, California Code of Regulations.

69.05.6 ADU Special Permit Area.

69.05.6.1 Locations with Potential Safety or Coastal Resource Impacts.

Lots located in the ADU Special Permit Area are presumed to have certain water and sewer service limitations, adverse impacts on traffic flow, ~~and/or~~ public safety conditions, ~~and/or potentially raise coastal resource issues~~ that may preclude construction of an ADU or JADU or which may require certain mitigation measures. An ADU or JADU may be prohibited or may require a Special Permit (or associated discretionary Coastal Development Permit) if **any of** these conditions are present:

- (a) Areas outside a Fire Protection District;
- (b) Airport incompatibility. A Special Permit may not be issued if the ADU exceeds the density limit in an airport zone;
- (c) Areas of active or historic landslides; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.
- (d) Flood and tsunami hazards, **including areas subject to future sea level rise (SLR) with a 75-year design life horizon as determined by the Planning Director based on the best available science consistent with the California Coastal Commission's adopted 2018 SLR Policy Guidance (and any subsequent updates)**;
- (e) Proximity within 1,000 feet of a toxic cleanup site as designated by California Department of Toxic Substances;
- (f) **Areas outside of water and sewer service area where there is a necessity to expand service or construct water wells or septic systems to serve the ADU or JADU;**
- (g) **Parcels within Special Combining Zones that protect coastal resources, as mapped on the County's GIS, including A: Archaeological Resource Area and Special Archaeological Resource Area for Shelter Cove; B: Beach and Dune areas; C: Coastal Resource Dependent; D: Design Review; E: Coastal Elk Habitat; R: Streams and Riparian Corridors; T: Transitional Agricultural Lands; and W: Coastal Wetland Areas Combining Zones.**

69.05.6.2 Required Findings for Permits.

(a) On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions ~~above in Section 69.05.6.1~~, an ADU or JADU may be allowed with a Special Permit/**CDP only** if **(1) evidence shows that the health and safety conditions for which it was included do not apply to that site, or can be ~~successfully reduced or~~ adequately mitigated, and (2) the ADU or JADU can be developed is** consistent with all other applicable provisions of the Local Coastal Plan.

(b) **When an ADU of JADU does not meet the criteria of Section 69.05.4.6, an ADU or JADU may be allowed with a Special Permit only if (1) the ADU or JADU is consistent with all other applicable provisions of this chapter, and (2) the ADU or JADU can be developed consistent with all other applicable provisions of the Local Coastal Plan.**

69.05.6.3 Hazardous Disclosure Requirements.

Where an ADU or JADU would be located in an area listed in Section 69.05.6.1(c) or in an area of future sea level rise (with a 75-year horizon) as determined by the Planning Director pursuant to Section 69.05.6.1(d), the record owner of the ADU or JADU shall be required to acknowledge and agree, and property owners, except public agencies, must also record a deed restriction against the property on which the ADU is located to acknowledge and agree: (1) that the ADU or JADU is located in a hazardous area, or an area that may become hazardous in the future; (2) to assume the risks of injury and damage from such hazards in connection with the permitted development; (3) that they have no rights under Coastal Act Section 30235 and related LCP policies to shoreline armoring in the future; (4) that sea level rise and related coastal hazards could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (5) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to other applicable provisions of the Local Coastal Plan. The record owner of the ADU or JADU shall also provide notice to all occupants of the ADU or JADU of these specified acknowledgements.

69.05.7 Coastal Resource Protection

In order to protect coastal resources, parcels with the following characteristics may require a Coastal Development Permit unless the requirement is waived.

- (a) Lands within Coastal Commission appeals jurisdictions, as mapped on the County's GIS;**
- (b) Parcels within Special Combining Zones that protect coastal resources, as mapped on the County's GIS, including A: Archaeological Resource Area and Special Archaeological Resource Area for Shelter Cove; B: Beach and Dune Areas; C: Coastal Resource Dependent; D: Design Review; E: Coastal Elk Habitat; R: Streams and Riparian Corridors; T: Transitional Agricultural Lands; and W: Coastal Wetland Areas Combining Zones;**
- (c) ADUs are not permitted on parcels within Coastal Natural Resources areas as mapped on the County's GIS.**

69.05.87 Delayed Enforcement of Building Code Violations.

Any owner of an existing ADU built before the effective date of this ordinance, who receives notice of a building code violation, may request a delay in enforcement for five years. The Chief Building Official must grant the delay if the correction is not required to protect health and safety.

69.05.9 Accessory Dwelling Units Allowed With Alternative Owner Builder Residence.

An accessory dwelling unit may be permitted under the Alternative Owner Builder code, Chapter 1.5, Section 331.5 of Humboldt County Code in rural areas outside a community service district, provided that all the requirements of this code and of the Alternative Owner Builder Code are met, including that:

- ~~(a) An inspection of the dwelling has been made by the appropriate county official(s); and~~
- ~~(b) The Official(s) determine(s) that the requirements of the applicable County codes, including modifications, have been met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling; and~~
- ~~(c) All other conditions applicable to accessory dwelling units have been met.~~

SECTION 5. DEFINITIONS.

The following subdivisions of 313, Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 3 of the Humboldt County Code are added or amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike out~~ for deletions and as underlined text for additions. The Coastal Commission’s modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double strikeout~~ and **underlined** text):

313-136 DEFINITIONS (A)

Accessory Dwelling Unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot where a single family or multifamily dwelling is or will be situated. ~~An accessory dwelling unit is an accessory building for purposes of Categorical Exclusion Order E-86-4, Section I(a).~~ An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code; and a Tiny House or Moveable Tiny House as defined in this code. (See, Residential Use Types, Accessory Dwelling Unit, in Section D: Use Types; Tiny House, Section 155 Definitions (T); and Moveable Tiny House, Section 148 Definitions (M)).

...

313-137 DEFINITIONS (B)

Building Type, Residential: A group of building types that comprise the following:

- a. **Single Detached:** One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or building, located on a lot or building site which is unoccupied by any other dwelling unit or main building.
- b. **Duplex:** Two (2) dwelling units with at least ten (10) feet of a common wall, structurally separated from any other dwelling unit or building and located on a lot or building site which contains no other dwelling unit or main building.
- c. **Multiple Unit:** A building containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a lot or building site which contains no other dwelling unit or main building.
- d. **Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width, or forty (40) feet or more in length, and

which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building Type shall be classified as a Single Detached Residential Building Type. The manufactured home building type includes mobile homes.

- e. **Ancillary Residential:** A dwelling which is not the principal residence or main building on a lot or parcel, such as ~~a second residential unit~~, an accessory dwelling unit, guest house, caretaker’s residence, farm laborers’ residence, etc.

...

313-145 DEFINITIONS (J)

Junior Accessory Dwelling Unit. An attached unit that is no more than 500 square feet contained entirely within a single-family residence that may include separate sanitation facilities or may share sanitation facilities with the existing structure and that includes an efficiency kitchen.

...

313-148 DEFINITIONS (M)

Moveable Tiny House. Moveable Tiny House. A structure no larger than 400 square feet intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that meets these six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets National Fire Protection Association (NFPA) RV 1192 standards, or if certified after January 1, 2021, meets American National Standards Institute (ANSI) 119.5 Park Model standards. Certification must be made by a qualified third-party inspector accredited through American Society for Testing and Materials.
2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power;
3. Is no larger than allowed by California State Law for movement on public highways;
4. Has at least 120 square feet of first floor interior living space;
5. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation; and
6. Substantially complies with local building, health, and safety codes as set forth in this code so that it qualifies as a permanent dwelling.

...

313-154 DEFINITIONS (S)

~~**Second Residential Unit:** (See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

~~**Secondary Dwelling Unit:** (See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

313-155 DEFINITIONS (T)

Tiny House. A structure intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that:

1. Is built or installed on a permanent foundation or anchored with a foundation system meeting State approved requirements for manufactured housing, or that is designed by a licensed architect or engineer to meet those requirements;
2. Is no larger than 400 square feet;
3. Has at least 120 square feet of first floor interior living space;
4. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

SECTION 6. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

...

107.1.4 Exceptions for Existing Substandard Manufactured Home Parks.

The Hearing Officer may modify the requirements of Section 107.1.3 for an existing substandard park proposed to be enlarged or altered provided that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result, and subject to making the applicable findings for granting exceptions in Chapter 2, Procedures, of this Code. (For more information on manufactured homes, see Section 313-132, Nonconforming Structures, and Section 313-69.05, ~~Second Residential Units, Accessory Dwelling Units.~~)

SECTION 7. OFF-STREET PARKING

Section 313-109.1.4 of the Humboldt County Code, regarding parking spaces required, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-109.1 OFF-STREET PARKING

109.1.4 Parking Spaces Required.

The number of off-street parking spaces required shall not be less than the following:

109.1.4.1 Residential Uses.

109.1.4.1.1 Single Detached and Duplex Building Types

109.1.4.1.1.1 Spaces Required, Setback

One (1) parking space is required for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom, and the required parking shall be sited outside the front yard setback. The following exceptions apply to Accessory Dwelling Units:

109.1.4.1.1.1 Accessory Dwelling Unit Exception

(a) One (1) parking space for each accessory dwelling unit. These spaces may be provided in tandem on a driveway. Offstreet parking shall be permitted in setback areas or through tandem parking, unless parking in setback areas or tandem parking is not feasible based on specific site conditions, or regional topographical conditions, or fire and life safety conditions.

(b) Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, for ADUs less than 1,000 square feet in size, no parking shall be required.

SECTION 8. USE TYPE AND CLASSIFICATION

Subdivision 313-163 of Chapter 3, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions. The Coastal Commission's modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double-strikeout~~ and **bold underlined** text):

313-163 LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS

163.1.8 Residential Use Types.

Accessory Dwelling Unit (See Residential Zoning Designations, Principal Permitted Uses)

Caretaker's Residence

Community Care Facility

Family Day Care Center
Family Day Care Home
Farm Employee Housing
Group Residential
Guest House
Labor Camp
Manufactured Home Park Development
Multi Family Residential
Residence Incidental to Agriculture or Commercial
Timber Production (See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Second Agriculture or Commercial Timber Production Residence
~~Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)~~
(See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Single Family Residential

163.1.9 Principal Permitted Uses. These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission (with the exception of (a) Single Family Residential, **Accessory Dwelling Unit**, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below, and (b) Single Family Residential, **Accessory Dwelling Unit**, or Cottage Industry uses in the Timber Production zoning district as enumerated in Section 163.1.9.11 below). Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone.

163.1.9.5 Residential Single Family

The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential, ~~Second Residential Unit~~, **Accessory Dwelling Unit**, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.6 Residential Multi Family

The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential, **Accessory Dwelling Unit**, Group Residential, and Minor Utilities to serve these uses.

163.1.9.7 Mixed Residential

The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential, **Accessory Dwelling Unit**, Multi Family Residential (Duplex only), Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.8 Rural Residential Agricultural

The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential, ~~Second Residential Unit~~, **Accessory Dwelling Unit**, General Agriculture, Cottage Industry; subject to the Cottage

Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit (on lots sixty (60) acres or larger in size, two single detached dwellings, or one single detached and one accessory dwelling are permitted), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Accessory Dwelling Unit, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

163.1.9.10 Commercial Timber

The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.11 Timber Production

The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Accessory Dwelling Unit, and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

SECTION 9. RESIDENTIAL USE TYPES

Subdivision 313-177 of Chapter 3, Section D, Part 2 of the Humboldt County Code, Glossary of Use Types, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike out~~ for deletions and as underlined text for additions):

313-177 RESIDENTIAL USE TYPES

177.05 Accessory Dwelling Unit. The Accessory Dwelling Unit Use Type refers to a fully equipped dwelling unit which is ancillary to a principal dwelling unit located on the same lot for occupancy by individuals or a household. (See Section 313-69.05, Accessory Dwelling Unit for regulations governing accessory dwelling units.)

...

~~177.13 Second Residential Unit (Second/Secondary Dwelling Unit). The Second Residential 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. (See Section 313-87.1, Second Residential Unit for regulations governing second residential units.) 177.13 Second Residential Unit (Second/Secondary Dwelling Unit).~~

SECTION 10. COMMERCIAL RECREATION ZONE DISTRICT

Table 5.2 in Section 313-5 regarding Recreation and Conservation Zone Districts in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code is amended as follows (text changes adopted by the County on July 13, 2021 by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-5 COMMERCIAL ZONE DISTRICTS

| | |
|--------------------------------------|--|
| <u>313-5.2</u> | CR: Commercial Recreation |
| | Principal Permitted Use |
| | Commercial Recreation Principal Permitted Use (See Section 313-163.1.9 for description) |
| Use Type | Conditionally Permitted Use |
| Residential Use Types | Single Family Residential Junior Accessory Dwelling Unit Caretaker's Residence |
| Civic Use Types | Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities |
| Commercial Use Types | Recreational Vehicle Park |
| Commercial Timber Use Types | Timber Production |
| Natural Resource Use Types | Fish and Wildlife Management Watershed Management Wetland Restoration Boating Facilities Improvements |
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CR zone. |

SECTION 11. RESIDENTIAL ZONE DISTRICTS

Tables in Section 313-6 regarding Residential Zone Districts in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-6 RESIDENTIAL ZONE DISTRICTS

313-6.1 RS: RESIDENTIAL SINGLE FAMILY

| 313-6.1 RS: Residential Single Family | | |
|---|--|-------------------|
| Development Standards | | |
| Minimum Lot Size and Minimum Lot Width | | |
| Zone Designation | Minimum Lot Size | Minimum Lot Width |
| RS-5 | 5,000 sq. ft. | 50 feet |
| RS-7.5 | 7,500 sq. ft. | 60 feet |
| RS-10 | 10,000 sq. ft. | 60 feet |
| RS-20 | 20,000 sq. ft. | 75 feet |
| RS-40 | 40,000 sq. ft. | 150 feet |
| Maximum Lot Depth | Three (3) times the lot width. | |
| Maximum Density | <p>Either one One dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. <u>plus one accessory dwelling unit, or one accessory dwelling unit and one junior accessory dwelling unit as described in 69.05.3.8. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</p> <p>Note1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a legally binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.</p> | |
| Minimum Yard Setbacks*** | | |
| Front | Twenty feet (20'). | |
| Rear | Ten feet (10'). | |
| Interior Side | Five feet (5'). | |
| Exterior Side | Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a “collector” or “higher order street” (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at | |

| | |
|--------------------------------------|--|
| | Community Development Services and/or the Department of Public Works. |
| Double Frontage Lots | Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley. |
| Flag Lots | For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. |
| Maximum Ground Coverage | Thirty-five percent (35%). |
| Maximum Structure Height | Thirty-five feet (35'). |
| Permitted Main Building Types | Residential Single Detached; Ancillary Residential; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group |

313-6.2 RM: RESIDENTIAL MULTI-FAMILY

| 313-6.2 RM: Residential Multi-Family | |
|---|---|
| | Principal Permitted Use |
| | Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description) |
| | |
| Use Type | Conditionally Permitted Use |
| Residential Use Types | Single Family Residential where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. Manufactured Home Parks; subject to the Manufactured Home Park Regulations |
| Civic Use Types | Essential Services Community Assembly Non-Assembly Cultural Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations |
| Commercial Use Types | Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Transient Habitation Private Recreation Neighborhood Commercial Office and Professional Service Private Institution |
| Commercial Timber Use Type | Timber Production |
| Natural Resource Use Type | Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities |

| | |
|--------------------------------------|---|
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone. |
| Development Standards | |
| Minimum Lot Size | 5,000 square feet. |
| Minimum Lot Width | Fifty feet (50'). |
| Maximum Lot Depth | Three (3) times the lot width. |
| Maximum Density | The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street. |

313-6.3 R2: MIXED RESIDENTIAL

| | |
|--------------------------------------|--|
| 313-6.3 R2: MIXED RESIDENTIAL | |
| Development Standards | |
| Minimum Lot Size | 5,000 square feet. |
| Minimum Lot Width | Fifty feet (50'). |
| Maximum Lot Depth | Three (3) times the lot width. |
| Maximum Density | (None specified.) |
| Minimum Yard Setbacks*** | |
| Front | Twenty feet (20'). |
| Rear | Ten feet (10'). |
| Interior Side | Five feet (5'). |
| Exterior Side | Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a “collector” or “higher order street” (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works. |
| Double Frontage Lots | Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley. |
| Flag Lots | For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. |
| Maximum Ground Coverage | Thirty-five percent (35%). |
| Maximum Structure Height | Thirty-five feet (35'). |
| Permitted Main Building Types | Residential Single Detached; Manufactured Homes in Manufactured Home Parks; Ancillary Residential. Only one dwelling per lot or manufactured home per lot except for an <u>accessory dwelling unit</u> (see, <u>Accessory Dwelling Unit</u> in Section 313-69.05). |

| | |
|--|--|
| | Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group. |
|--|--|

313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

| 313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE | | |
|--|--|--|
| Development Standards | | |
| Minimum Lot Size and Minimum Lot Width | | |
| Zone Designation | Minimum Lot Size | Minimum Lot Width |
| RA -1 | 1.0 acres | 150 feet |
| RA -2 | 2.0 acres | 175 feet |
| RA -2.5 | 2.5 acres | 175 feet |
| RA -5 | 5.0 acres | 250 feet |
| RA -10 | 10.0 acres | 350 feet |
| RA -20 | 20.0 acres | 475 feet |
| RA -40 | 40.0 acres | 750 feet |
| Maximum Lot Depth | Four (4) times the lot width. | |
| Maximum Density | Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. plus one accessory dwelling unit. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located. | |
| Minimum Yard Setbacks*** | Minimum Lot Size Less Than 2.5 Acres | Minimum Lot Size 2.5 Acres or Greater |
| Front | Twenty feet (20') | Twenty feet (20'); Thirty feet (30') for flag lots |
| Rear | Ten feet (10') | Thirty feet (30') |
| Interior Side | Five feet (5') | Thirty feet (30') |
| Exterior Side | Twenty feet (20') | Twenty feet (20') |
| Flag Lots | For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. | For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot. |
| Double Frontage Lots | Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley. | Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley. |
| Maximum Ground Coverage | Thirty-five percent (35%) | |
| Maximum Structure Height | Thirty-five feet (35'). | |
| Permitted Main Building Types | Residential Single Detached; Ancillary Residential | |
| | Limited Mixed Residential - Nonresidential | |
| | Nonresidential Detached or Multiple/Group | |

SECTION 12. 313-7 RESOURCE USE REGULATIONS

Tables in Section 313-7 regarding Resource Use Regulations in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (text changes adopted by the County on July 13, 2021 by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-7 Resource Use Regulations

313-7.1 AE: Agriculture Exclusive

| 313-7.1 AE: Agriculture Exclusive | |
|---|--|
| Principal Permitted Use | |
| Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description) | |
| Use Type | Conditionally Permitted Use |
| Residential Use Types | Guest House Farm Employee Housing Labor Camp Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size) Single Family Residential (a Use Permit is required on a lot less than sixty acres (60a) in size for a second single detached dwelling <u>other than an Accessory Dwelling Unit</u>) |
| Civic Use Types | Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities |
| Industrial Use Types* | Aquaculture, allowed within non-prime agricultural lands only Cottage Industry; subject to the Cottage Industry Regulations |
| Agricultural Use Types | Hog Farming Feed Lots/Slaughter House Kennels Agriculture-Related Recreation Intensive Agriculture |
| Extractive Use Types | Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Surface Mining - 2; subject to the Surface Mining Regulations Surface Mining - 3; subject to the Surface Mining Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations |
| Natural Resource Use Types | Fish and Wildlife Management Watershed Management Wetland Restoration Resource-Related Recreation Coastal Access Facilities |
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone. |

313-7.2 TC: Commercial Timber

| 313-7.2 TC: Commercial Timber | |
|---|---|
| Principal Permitted Use | |
| Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description) | |
| Use Type | Conditionally Permitted Use |
| Residential Use Types | Single Family Residential. A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit.</u> |
| Civic Use Types | Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities |
| Industrial Use Types* | Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations |
| Agricultural Use Types | Agricultural Related Recreation |
| Extractive Use Type | Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations |
| Natural Resource Use Type | Coastal Access Facilities |
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone. |
| Use Type | Compatible Uses Permitted with a Special Permit |
| Residential Use Types | Labor Camp |
| Commercial Timber Use Type | Timber Related Recreation |
| Natural Resource Use Types | Fish and Wildlife Management Watershed Management Wetland Restoration |

313-7.3 TPZ: Timberland Production Zone

| 313-7.3 TPZ: Timberland Production Zone | |
|---|--|
| Principal Permitted Use | |
| Timber Production Principal Permitted Use (See Section 313-163.1.9 for description) | |
| Use Type | Conditionally Permitted Use |
| Residential Use Types | Single Family Residential. A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit.</u> |
| Civic Use Types | Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations |

| | |
|--------------------------------------|--|
| | Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities |
| Industrial Use Types* | Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations |
| Agricultural Use Types | Agriculture-Related Recreation |
| Extractive Use Type | Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations |
| Natural Resource Use Type | Coastal Access Facilities |
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone. |
| Use Type | Compatible Uses Permitted with a Special Permit |
| Residential Use Types | Labor Camp |
| Commercial Timber Use Type | Timber Related Recreation |
| Natural Resource Use Types | Fish and Wildlife Management Watershed Management Wetland Restoration |

SECTION 13. EFFECTIVE DATE.

This ordinance shall take effect 30 days after certification by the California Coastal Commission which is concurrent with adoption of modifications by the Board of Supervisors.

PASSED AND ADOPTED this _____ day of _____, 2023, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Steve Madrone, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes

Coastal ADU Zoning Amendment 313 - Modified

Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: Nikki Turner, Deputy Clerk