

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

RESOLUTION NO. 20-79

RESOLUTION NO. 20-79 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING COASTAL PLAN AMENDMENTS ASSOCIATED WITH THE ADU ORDINANCE

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

WHEREAS, changes to California Government Code Sections 65852.2 and 65852.22 in 2017 and 2019 superseded the County's Second Unit Ordinance; and

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

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

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

WHEREAS, the proposed Coastal ADU Ordinance and related Coastal Plan amendments that apply within the coastal zone may be approved if all the required findings can be made as specified in the General Plan, Zoning Ordinance and state law; and

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

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

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommended the Board of Supervisors approve the Coastal Accessory Dwelling Unit Ordinance and related Coastal Plan amendments and transmit them to the Coastal Commission for certification; and

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

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

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. **FINDING:** The proposed Coastal ADU Ordinance and Coastal Plan amendments are 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 Coastal ADU Ordinance is statutorily exempt from environmental review. Approval of the Coastal ADU Ordinance by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA.

CONSISTENCY WITH THE GENERAL PLAN.

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

the recent changes to state laws and to provide clear and consistent regulations for ADU's.

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

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

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

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

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

CONSISTENCY WITH STATE GENERAL PLAN LAW.

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

EVIDENCE: a) The proposed General Plan Amendment changes references in the General Plan from "Secondary Dwelling Units" or "Second Units" to "Accessory Dwelling Units" to harmonize the General Plan with the ADU Ordinance. The intent of these changes is to encourage development of ADU's which

will expand the number of housing units which may be constructed on an annual basis.

CONSISTENCY WITH THE ZONING ORDINANCE.

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- 6. FINDING:** Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed ADU Ordinance is in the public interest.
- EVIDENCE:**
- a) The 2019 Housing Element of the General Plan highlighted the inability to produce housing affordable to lower income households in the County, and included an implementation measure (H-IM41) to amend the Zoning Ordinance to encourage development ADU's as an important component of the County's strategy to develop more housing affordable to lower income households. The proposed ADU Ordinance implements H-IM41 and is intended to help meet identified housing needs of lower income households in the County.
 - b) The proposed ADU Ordinance will re-establish local regulation of ADU's to maximize its relevance and responsiveness to local conditions.
 - c) In enacting the ADU statutes, the state legislature identified these other ways zoning ordinances incentivizing ADUs are in the public interest: (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government. The proposed ADU Ordinance advances each of these goals.
- 7. FINDING:** Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed ADU Ordinance is consistent with the General Plan.
- EVIDENCE:**
- a) The proposed ADU Ordinance implements H-IM41 of the 2019 Housing Element of the General Plan.
 - b) The proposed ADU Ordinance provisions establishing standards and allowances for Tiny Houses and Moveable Tiny Houses implement Housing Element Policies H-P30, and H-P31, and Implementation Measures H-IM38 and H-IM39 which call for allowing and encouraging tiny houses and moveable tiny houses as permanent dwellings.
- 8. FINDING:** Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.
- EVIDENCE:**
- a) The proposed ordinance involves parcels which are included in the residential land inventory used by HCD in determining compliance with housing element law. The ADU Ordinance supports increased residential densities rather than decreased densities on these parcels. Therefore, it

would not reduce the residential density for any parcel below that used by HCD in determining compliance with housing element law.

9. FINDING:

Section 312-50.3.3 requires if the proposed changes to the Zoning Ordinance requires a Local Coastal Plan Amendment, 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:

- a) **Access** (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
- b) **Recreation** (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)
- 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)
- d) **Land Resources** (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)
- e) **Development** (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)
- f) **Industrial Development** (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

EVIDENCE:

- a) **Access**
The proposed ordinance and plan amendments allow 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.
- b) **Recreation**
The proposed ordinance and plan amendments allow 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 residences. Where ADUs are converted from or added to existing residences, a coastal development permit is required, and assesses recreation impacts in accordance with the local coastal plan.

The ordinance and plan amendments will protect existing lower cost visitor-serving facilities by removing the need for their use as 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 affordable to lower income residents. ADU locations are widely disbursed compared with other affordable income types, which prevents overloading of recreational resources.

c)

Marine Resources

The proposed ordinance and plan amendments 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.

d)

Land Resources

The proposed ordinance and plan amendments protect agricultural and timber land by limiting the building envelope to two acres per parcel located, where feasible, in the area of lowest agricultural productivity. ADUs in certain designated areas (mapped Special Permit Areas) would require a Special Permit, where historical or archaeological resources exist, or where adequacy of water and sewer services or the impact on traffic flow and public safety may be issues.

e)

Development

The proposed ordinance and plan amendments are consistent with development policies of the Coastal Act because it limits increased impacts by locating ADUs adjacent to or within existing residences. Where built outside urban areas, ADUs are dispersed to the extent single family residences are dispersed and would not create new concentrations of population. The ordinance requires adequacy of available services. The Special Permit Area described in 69.05.6 minimizes risks to life and property. 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.

f)

Industrial Development.

The proposed ordinance and plan amendments concentrate ADU development where single family and multifamily residential development is principally permitted. By definition, this precludes areas with industrial development. As a result, the ordinance and plan amendments would have no impact to industrial development.

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

1. Adopts the findings contained herein;
2. Finds that the proposed amendments to the Coastal Zoning Regulations and Coastal Plans conform to and appropriately carry out the policies of each of the Humboldt County's six Coastal Plans and Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations and Coastal Plan Amendments will be carried out in accordance with the Coastal Act;
3. Finds that the changes to the Coastal Zoning Regulations and Coastal Plans will become effective only upon certification by the Coastal Commission;
4. 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;
5. Adopts the Coastal Plan Amendments as shown in Exhibit A of this Resolution;
6. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage.
7. 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.
8. Finds the project exempt from the California Environmental Quality Act and directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. Directs the Clerk of the Board to give notice of the decision to any interested party.

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

Dated: September 1, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors

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

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

STATE OF CALIFORNIA)
County of Humboldt)

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

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



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

EXHIBIT A

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

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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. 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 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.

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

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.10 A. URBAN LAND USE DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

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

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, 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, 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 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.

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

Chapter 3 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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.

3.34 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. ~~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. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05.

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

Chapter 5 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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.

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; barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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.

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 (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.24 TIMBERLAND

A. PLANNED USES

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. 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 (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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.

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.

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 including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.24 of this document, 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 (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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.

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. ~~The~~ 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 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 (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

CONDITIONAL USES: Hotels, motels, boarding houses, mobile home development, single family residences, neighborhood commercial, office and professional uses.

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

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; 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 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 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 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 (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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 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. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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. 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.

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

Chapter 5 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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.

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; 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; 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.

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; 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 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.

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

Chapter 3 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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 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.

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. The An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. 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 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 (modifications are shown in underline text, deletions are shown in ~~strikeout~~ 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; 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 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.