



BOARD OF SUPERVISORS  
**COUNTY OF HUMBOLDT**

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June 24, 2025

The Honorable Members of the California State Assembly  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0002

**Re: OPPOSITION UNLESS AMENDED TO AB 462 (Lowenthal) - Land use: Coastal  
Development Permits: Accessory Dwelling Units**

Dear Honorable Assembly Members:

The County of Humboldt respectfully submits this letter in OPPOSITION UNLESS AMENDED to Assembly Bill 462, which would create broad exemptions from coastal development permit requirements for accessory dwelling units (ADUs) during declared emergencies. While we recognize the urgent need to address housing shortages following natural disasters, AB 462's approach would undermine decades of carefully crafted environmental protections and local planning authority that are essential to Humboldt County's unique coastal and natural resources.

Current ADU Framework:

Humboldt County has developed separate, comprehensive ADU ordinances for coastal (Section 313-69) and inland (Section 314-69) areas that reflect the distinct environmental challenges, resource protection and public safety needs of our diverse geography. Our coastal ordinance while incorporating provisions required by the California Coastal Act it mostly reflects provisions from our inland ordinance that addresses agricultural preservation, habitat protection and natural hazard considerations. Both frameworks represent years of community input, environmental analysis, and coordination with state agencies. Humboldt County strongly supports accessory dwelling unit development as a critical tool for addressing our housing shortage. We enthusiastically implemented comprehensive, streamlined ADU ordinances and offer financial assistance programs to encourage ADU construction. Our opposition to AB 462 stems not from resistance to ADU development, but from concerns about the bill's unintended consequences for environmental protection and public health in a rural setting.

Problematic Emergency Response Framework:

AB 462 creates two different emergency responses with vastly different triggers and geographic scope: Early Certificate of Occupancy (Section 66328): Requires that the primary dwelling was "substantially damaged or destroyed by an event referenced in the state of emergency proclamation" - a targeted, damage-specific trigger.

Coastal Development Permit Exemption (Section 66329): Applies county-wide to "any county that is subject to a Governor's proclamation of a state of emergency made on or after February 1, 2025" - regardless of whether coastal properties were affected.

For a large rural county like Humboldt this could create a significant geographic disparity between where the disaster is proclaimed and where these exemptions would be enacted. Humboldt County spans over 3,500 square miles with a 110-mile coastline—an area the size of Rhode Island and Delaware combined. An emergency could be declared for an inland wildfire or earthquake occurring in a distant part of the county, such as Orleans, which is 171 miles and an over three hour drive from our coastal community of Shelter Cove, with no connectivity to or impact on coastal areas. Yet under AB 462 a flood or earthquake related declaration two hours inland could trigger blanket coastal development permit exemptions throughout our entire coastal zone, in some of our most environmentally and culturally sensitive, agriculturally productive and geologically hazardous areas.

A vast majority of Coastal Development Permits for ADU's are issued by local jurisdictions not the Coastal Commission. Often many years of work and significant financial resources have been invested into the development of Local Coastal Plans (LCPs) and the associated land use ordinances. The geographic disparity created of AB 462 could discourage local jurisdictions from engaging in LCP updates. Humboldt is not the only large rural coastal county where this significant geographic disassociation could create an unexpected outcome.

#### Environmental Protections at Risk:

AB 462's coastal development permit exemption would eliminate essential protections that Humboldt County has established for:

- Environmentally Sensitive Habitat Areas (ESHA) including freshwater and estuarine wetland areas
- Public access easements and recreational trails
- Archaeological, cultural resource areas including special protections for Shelter Cove
- Beach and dune systems critical to coastal ecosystem integrity
- Streams and riparian corridors essential for salmon recovery
- Sea level rise vulnerability areas based on 75-year projections using best available science
- Prime agricultural soil protections that prevent development on the county's most productive farmland
- Clustering requirements that minimize fragmentation of agricultural operations and timber lands
- Curtilage and driveway limitations (two acres maximum, one driveway) that prevent sprawl in agricultural and timber zones
- Water and sewer capacity protections that prevent overloading of rural infrastructure and protect neighboring water supplies
- Wastewater treatment safeguards essential for protecting both our pristine beaches and drinking water sources for surrounding communities

These protections exist because Humboldt County's coast contains some of California's most pristine and environmentally and culturally sensitive areas. It is an impractical overreach to have emergency housing needs in a community two hours drive from the coast trigger the abandoning of these fundamental safeguards.

We do not believe it was the intention of AB 462's authors to enable the fragmentation of agricultural and resource lands, pollution from stressed wastewater systems, or impacts to critical wetlands and environmentally sensitive habitat areas. However, the bill's broad exemption language could have precisely these unintended consequences in counties like Humboldt with diverse coastal geography and extensive natural resources.

#### Public Safety Concerns:

Humboldt County's ADU ordinances include site-specific environmental review for developments in sensitive areas, including:

- Landslide and liquefaction hazard areas
- Tsunami and flood zones
- High fire hazard zones
- Areas outside fire protection districts
- Locations near toxic cleanup sites

AB 462 would eliminate the county's ability to conduct this essential safety review, potentially placing residents in harm's way and creating long-term liability issues. Again, the exemption to these basic safety provisions could be triggered by an event nowhere near the affected community.

#### Agricultural Land Fragmentation Risk:

A particularly concerning aspect of AB 462 is its potential to enable agricultural land fragmentation through de facto subdivision. The bill's exemptions would remove protections that prevent ADUs from unnecessarily being built far from the main house on agricultural, timber, and wildlife resource lands, effectively creating scattered development patterns that:

- Fragment working agricultural operations by placing residential uses in the middle of farming areas
  - Compromise timber management by introducing incompatible residential development within forest lands
  - Disrupt wildlife corridors and habitat connectivity essential for species movement and ecosystem function
  - Create precedent for further subdivision as ADUs could later be converted to separate parcels
- Humboldt County's coastal ordinance requires ADU to be located within the curtilage of existing development - typically limited to 2 acres maximum. This is a practical way to prevent new ADU development from fragmenting the large, intact agricultural and resource lands that are essential for a rural community's economic viability and ecological function.

#### Dangerous Precedent for Local Authority

AB 462 sets a dangerous precedent by allowing the state to override locally developed, Coastal Commission-certified Local Coastal Programs during emergencies. This undermines the partnership model established by the California Coastal Act and could encourage future legislation that further erodes local coastal planning authority.

#### Recommended Amendments

If AB 462 moves forward, we strongly recommend amendments to prevent unintended environmental damage and public safety hazards:

- Exempt natural and agricultural resource zoned lands from coastal development permit exemptions to prevent fragmentation of working landscapes
- Limit geographic scope of exemptions to areas within reasonable proximity to the actual emergency event, rather than applying county-wide (i.e. 10 miles)
- Exempt properties without adequate water and wastewater capacity to protect public health and prevent pollution of water supplies and coastal waters
- Maintain review for developments in hazard areas including landslide, tsunami, flood zones, and high fire hazard zones
- Include sunset provisions that automatically terminate exemptions after a reasonable recovery period of approximately seven years
- Maintain curtilage and driveway limitations to prevent agricultural land fragmentation
- Preserve clustering requirements for timber and resource lands

These modifications would allow emergency housing development while preventing the long-term environmental damage that could result from hasty development in inappropriate locations. Let's encourage more and faster ADU development now through improved processes, rather than risk environmentally damaging and potentially dangerous ADU development in the future.

#### Alternative Recommendations:

Humboldt County supports emergency housing solutions that work within existing environmental frameworks rather than abandoning them. We believe we can achieve more ADU development, faster, without the environmental risks posed by AB 462. We recommend:

- Expedited permit processing timelines during emergencies - reducing current 60-day review periods to 30 or even 15 days while maintaining essential environmental and safety review
- Streamlined environmental review processes that maintain protections while accelerating approvals
- Temporary housing allowances that don't require permanent exemptions from coastal and resource protections
- State funding assistance for communities to quickly process ADU permits during recovery periods and hire additional staff
- Pre-approved ADU designs that meet both housing needs and environmental standards for expedited approval

#### Conclusion:

Since its creation Humboldt County has experienced numerous natural disasters in the form of earthquakes, floods and fires, many of them declared by the state and federal government. And so we understand, from our own vast experience, about communities facing housing crises following natural disasters. We also value our rural working landscapes, rugged coastline and the ecosystems it supports. It is through that lens that we believe AB 462's approach in its current form is fundamentally flawed. The bill would sacrifice decades of environmental protection and community planning for a housing solution that could be achieved through less impactful means.

We urge you to work with local communities to develop emergency housing solutions that protect both people and the irreplaceable natural resources that define California's coast. With the amendments outlined above, AB 462 could achieve its emergency housing goals while preserving the environmental protections that are essential to California's future.

Thank you for your consideration of our concerns.

Respectfully submitted,

Michelle Bushnell  
Chair, Humboldt County Board of Supervisors

cc:

- California Coastal Commission
- California State Association of Counties (CSAC)
- Rural County Representatives of California