



COUNTY OF HUMBOLDT

For the meeting of: 6/24/2025

File #: 25-820

To: Board of Supervisors

From: Supervisor Mike Wilson

Agenda Section: Initiated by Board Member

Vote Requirement: Majority

SUBJECT:

Letter of Opposition to California Assembly Bill 462 (Lowenthal) Regarding Exemption of Accessory Dwelling Units from Coastal Development Permit Requirements Unless Amended to Address Safety, and Environmental and Agricultural Protection Concerns

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt a position of opposition to California Assembly Bill 462 (Lowenthal) regarding exemption of accessory dwelling units from coastal development permit requirements unless amended to address safety and environmental and agricultural protection concerns; and
2. Authorize the Chair of the Board to sign the attached letter of opposition to California Assembly Bill 462 (Lowenthal) unless amended to address certain safety and environmental and agricultural protection concerns; and
3. Direct the Clerk of the Board to send the attached letter of opposition to California Assembly Bill 462 (Lowenthal) to the Assembly Housing and Community Development Committee; and
4. Direct staff to coordinate with the California Association of Counties and Rural County Representatives of California in advocating for the recommended amendments to California Assembly Bill 462 (Lowenthal); and
5. Authorize the County Administrative Officer to support California Assembly Bill 462 (Lowenthal), on behalf of the Board, if amended to address safety and environmental and agricultural protection concerns; and
6. Authorize staff to continue advocacy on this issue and submitting letters of support throughout the life of California Assembly Bill 462 (Lowenthal).

STRATEGIC PLAN:

The recommended actions support the following areas of the Board of Supervisors' Strategic Plan:

Area of Focus: Sustainable Natural Resources & Infrastructure Stewardship

Strategic Plan Category: 5001 - Enhance climate adaptation landscapes and communities

DISCUSSION:

Background

California Assembly Bill 462 ("AB 462") proposes to exempt accessory dwelling units from coastal development permit requirements during declared state emergencies. AB 462 creates two distinct emergency response mechanisms with different triggers and geographic scope, raising significant concerns for large, geographically diverse counties like Humboldt.

The County of Humboldt has developed comprehensive accessory dwelling unit ordinances for both coastal (Humboldt County Code Section 313-69) and inland (Humboldt County Code Section 314-69) areas that reflect Humboldt County's unique environmental challenges and resource protection needs. These ordinances represent years of community input, environmental analysis and coordination with state agencies while maintaining strong support for accessory dwelling unit development as a housing solution.

Key Concerns with AB 462

- **Geographic Mismatch:** Humboldt County spans about three thousand five hundred (3,500) square miles with one hundred ten (110) miles of coastline - an area the size of Rhode Island and Delaware combined, and it can take almost three and one-half (3.5) hours to drive from the town of Orleans to Shelter Cove. AB 462 would trigger county-wide coastal development permit exemptions even for emergencies occurring hours away from coastal areas with no coastal impact.
- **Environmental Resource Threats:** AB 462 would eliminate critical protections for environmentally sensitive habitat areas, including, without limitation, coastal elk habitat and archaeological and cultural resource sites. Additionally, protections would be removed for beach and dune systems essential for coastal ecosystem integrity, salmon recovery streams and riparian corridors and sea level rise vulnerability areas that are based on seventy-five (75) year projections using best available science.
- **Agricultural Land Fragmentation:** AB 462's broad exemptions could override protections against development on prime agricultural soils, fragmentation of agricultural operations and timber lands, inadequate water and wastewater capacity in rural areas. These protections are essential to maintaining the integrity of working landscapes and preventing scattered development patterns that compromise agricultural viability.
- **Loss of Safety Review:** AB 462 would eliminate site-specific environmental review for developments in landslide and liquefaction hazard areas, tsunami and flood zones, high fire hazard zones, areas outside fire protection districts and locations near toxic cleanup sites. This elimination of safety review could place residents in harm's way and create long-term liability issues for the County of Humboldt.

Recommended Amendments to Support County Position

To address the County of Humboldt's concerns, while supporting emergency housing goals, staff recommends the following amendments to AB 462:

- **Geographic Limitations:** AB 462 should limit exemptions to areas within reasonable proximity (e.g. ten (10) miles) to actual emergency events rather than applying county-wide and require demonstrated connection between the emergency and coastal areas before triggering coastal permit exemptions.
- **Environmental Protections:** AB 462 should exempt natural and agricultural resource lands from coastal development permit exemptions, maintain protections for environmentally sensitive habitat areas and preserve visual resource corridors and public access requirements.
- **Infrastructure Safeguards:** AB 462 should exempt properties without adequate water and wastewater capacity, maintain review for developments in hazard areas, including, without limitation, landslide, tsunami, flood zones and high fire hazard zones, and preserve safety requirements for areas outside fire protection districts.

- **Temporal Limitations:** AB 462 should include sunset provisions automatically terminating exemptions after a five (5) year recovery period and require periodic review of ongoing emergency conditions.
- **Agricultural Protections:** AB 462 should maintain curtilage limitations to prevent agricultural land fragmentation and preserve clustering requirements for timber and resource lands.

Environmental Review

The recommended actions involve adopting a legislative position and transmitting correspondence. No environmental review is required under the California Environmental Quality Act.

Consistency With General Plan/Local Coastal Program

The recommended opposition to AB 462 unless amended address safety and environmental and agricultural protection concerns is consistent with the County of Humboldt's General Plan policies for environmental protection and the certified Local Coastal Program requirements under the California Coastal Act.

SOURCE OF FUNDING:

General Fund

FINANCIAL IMPACT:

There are no direct costs associated with the recommended actions currently before the Board. The recommended position supports existing environmental protections that help avoid future costs associated with environmental remediation and infrastructure impacts.

STAFFING IMPACT:

The recommended actions will not impact current staffing levels.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

1. Letter of Opposition to California Assembly Bill 462 (Lowenthal) Regarding Exemption of Accessory Dwelling Units from Coastal Development Permit Requirements Unless Amended to Address Safety, and Environmental and Agricultural Protection Concerns
2. Bill Text for California Assembly Bill 462 (Lowenthal)

PREVIOUS ACTION/REFERRAL:

Meeting of: None

File No.: None