

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21- 74**

**RECOMMENDS THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS  
CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,  
ADOPT TEXT AMENDMENTS TO THE INLAND ZONING AND BUILDING REGULATIONS, AND  
ADOPT THE LOCAL COASTAL PROGRAM AMENDMENT CONSISTING OF  
AMENDMENTS TO SIX COASTAL LAND USE PLANS AND COASTAL ZONING REGULATIONS  
ALL PERTAINING TO ACCESSORY DWELLING UNITS**

**WHEREAS**, on September 1, 2020 the Board of Supervisors adopted the Inland Accessory Dwelling Unit Ordinance No. 2650 and associated General Plan Amendment, and amendments to the Modified Low-Density Owner-Built Rural Dwelling Regulations ("Alternative Owner-Builder" or "AOB" Code); and

**WHEREAS**, the Inland Accessory Dwelling Unit regulations became operative on October 1, 2020, and since then staff and the public have suggested certain corrections and explanations to the text of the ordinance and building code to improve clarity and ease of use; and

**WHEREAS**, the proposed text amendments to the Inland Accessory Dwelling Unit regulations and to the Building Regulations are non-controversial, and do not affect operation of the code. The proposed changes clarify ADU and JADU size and height limits, clean up and amend zoning tables, and allow for an AOB dwelling and an ADU to be permitted concurrently; and

**WHEREAS**, the Inland Accessory Dwelling Unit Zoning and Building Code changes are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county; and

**WHEREAS**, the Board of Supervisors, at its September 1, 2020 meeting, approved the Coastal Accessory Dwelling Unit Ordinance No. 2651, and related Coastal Plan amendments (together the "LCP Amendment"), and directed staff to transmit the LCP Amendment to the Coastal Commission for certification; and

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

**WHEREAS**, the amendments to the Board-approved Local Coastal Program Amendment presented here incorporate those and other changes requested by the Coastal Commission staff, as well as text amendments mirroring those proposed for the Inland Zoning Regulations; and

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

**WHEREAS**, the proposed LCP Amendment was developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and in accordance with recommendations of the California Coastal Commission; and

**WHEREAS**, the Planning Division prepared and made available to the public the draft text amendments to the Inland Accessory Dwelling Unit ordinance, and draft Local Coastal Program Amendment consisting of text amendments and changes to the six local coastal plans;

**WHEREAS**, the Planning Division has made project information for the proposed Local Coastal Program Amendments available to the public on the County's webpage at <https://humboldt.gov.org/2448/2019-Housing-Element>; and

**WHEREAS**, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

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

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

**WHEREAS**, the Planning Commission reviewed and considered said report and the Required Findings of Approval, incorporated herein, which contains evidence, findings, and conclusions in support of the required Findings for Approval of the Zoning Text Amendments and Local Coastal Program Amendment regarding accessory dwelling units, as well as any supplements thereto, together with any other written evidence and testimony presented to the Planning Commission.

**NOW, THEREFORE**, the Humboldt County Planning Commission resolves, determines, and orders that the following findings are hereby made:

1. The proposed amendments to the zoning regulation and Local Coastal Program are exempt from CEQA pursuant to Sections 15250, 15251(f) and 15265 of the CEQA Guidelines.
2. The proposed amendments to the zoning regulation and Local Coastal Program do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
3. The Planning Commission makes all the required findings described below in Findings for Approval, which is fully incorporated herein by reference, and finds that the amendments to the Humboldt County Local Coastal Program pertaining to Accessory Dwelling Units in Attachments 2 and 3 conform to the policies contained in Chapter 3 of the Coastal Act.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.

3. Adopt Ordinance \_\_\_\_\_ amending the Zoning Regulations (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) and Building Regulations (Section 331.5 of Title III, Division 3, Chapter 1.5 of Humboldt County Code) as shown in Attachment 1 of this staff report.
4. Adopt by Resolution the amendments to the Humboldt Bay Area Plan, North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan to update development policies and land use designations to accommodate changes in state law regarding ADUs in the coastal zone as shown in Attachment 2 of this staff report.
5. Repeal Ordinance 2651 amending the Coastal Zoning Regulations, and the Ordinance amending section 312 of Chapter 2, and section 313 of Chapter 3 of Division 1 of Title III of the County Code, as shown in Attachment 3 of this staff report.
6. Agree to carry out the Local Coastal Program Amendment in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal Land Use Plans.
7. Direct Planning staff to withdraw the Local Coastal Plan package transmitted to the California Coastal Commission on December 15, 2020 in its entirety, to be superseded by the revised Local Coastal Plan package herein, including all necessary supporting documentation, for their review and certification in accordance with Public Resources Code Section 30514.
8. Resolve that the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Humboldt County Board of Supervisors.
9. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on May 6, 2021.

The motion was made by Commissioner Brian Mitchell and seconded by Commissioner Melanie McCavour.

AYES: Commissioners: Alan Bongio, Thomas Mulder, Noah Levy, Mike Newman, Peggy O'Neill, Brian Mitchell, Melanie McCavour

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries 7/0

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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John Ford, Director  
 Planning and Building Department



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**LONG RANGE PLANNING**

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3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792

Date: May 6, 2021  
To: Humboldt County Planning Commission  
From: John H. Ford, Director of Planning and Building Department  
Subject: **Public Hearing on Amendments to the Inland Zoning Regulations, Building Code and Local Coastal Program for Accessory Dwelling Units**

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Please contact or Mary Milner, at 707 268-3772, [mmilner1@co.humboldt.ca.us](mailto:mmilner1@co.humboldt.ca.us) or Michael Richardson at 707 268-3723, [mrichardson@co.humboldt.ca.us](mailto:mrichardson@co.humboldt.ca.us), if you have any questions about the amendments to the ADU ordinance.

## AGENDA ITEM TRANSMITTAL

<b>Meeting Date</b>	<b>Subject</b>	<b>Contact</b>
May 6, 2021	Draft Amendments to the Inland Zoning AND Building Regulations and Local Coastal Program [Six Land Use Plans and Coastal Zoning Regulations] for Accessory Dwelling Units	Michael Richardson Mary Milner

**Project Description:** This proposal contains two parts. First, the text amendments to the Inland Accessory Dwelling Unit (ADU) Ordinance consist of non-controversial corrections and text changes to the zoning ordinance that was adopted by the Board of Supervisors on September 1, 2020. The proposed changes clarify ADU and junior accessory dwelling unit (JADU) size and height limits, and clean up and amend zoning tables. These amendments also modify the recently approved Building Regulations to allow for an ADU built under alternative owner-builder regulations to be permitted concurrently with a primary AOB residence, notwithstanding the 'one permit every two year' restriction. The complete amendments can be found in Attachment 1.

The second part proposes amendments to the six Coastal Land Use Plans (the Humboldt Bay Area Plan, North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan), and to the Coastal Zoning Regulations that make up the Humboldt County Local Coastal Program (hereafter referred to as "LCP amendment"). The LCP amendment amends certain policies, land use designations, and zoning code adopted on September 1, 2020, and repeals Ordinance 2651 in order to accommodate recommendations of the California Coastal Commission. The complete LCP amendment is included in Attachments 2 and 3; Coastal Commission correspondence is included as Attachment 4.

**Project Location:** All of the unincorporated areas of Humboldt County, including the Coastal Zone.

**Present Plan Designations:** All land use categories where residential uses are allowed.

**Present Zoning:** All zoning districts where residential uses are allowed.

**Environmental Review:** The proposed amendments are exempt from environmental review under Section 15282 of the California Environmental Quality Act (ordinances regarding second units); and Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265(a) (preparation and adoption of a local coastal program by the County).

**State Appeal Status:** The LCP Amendment applies within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (HBAP, NCAAP, TAP, ERAP, SCAP, MCKAP, and Coastal Zoning Regulations) must receive final certification from the California Coastal Commission before they may become effective.

## **DRAFT AMENDMENTS TO THE INLAND ZONING ORDINANCE AND LOCAL COASTAL PROGRAM PERTAINING TO ACCESSORY DWELLING UNITS**

### **Recommended Commission Action**

1. Open the public hearing.
2. Request that staff present the staff report.
3. Receive public testimony.
4. Deliberate and comment on the draft amendments and alternatives presented.
5. Take the following action:

*"Based on evidence in the staff report and public testimony, make all the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and 21080.9, and to CEQA Guidelines Sections 15265(a) and 15282(h), and adopt the proposed amendments to the Inland Zoning Regulation, Building Regulation, and approve the LCP, including amendments to the six Local Land Use Plans and Coastal Zoning Regulations (as may be modified by the Planning Commission)."*

### **EXECUTIVE SUMMARY:**

#### **Project Description:**

This proposal contains two parts. First, the text amendments to the Inland Zoning Regulations propose non-controversial corrections and explanatory text changes to the Accessory Dwelling Unit (ADU) Ordinance adopted by the Board of Supervisors on September 1, 2020. Also, changes to the Building Regulations (Section 331.5-7 of Humboldt County Code) are proposed to provide an exception to the one permit per person every two years limit, so that one person can get concurrent permits for both an owner-built dwelling and an owner-built accessory dwelling unit. Second, amendments to the ADU regulations are proposed to the six coastal Land Use Plans (the Humboldt Bay Area Plan, North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan), and to the Coastal Zoning Regulations, which together make up the Humboldt County Local Coastal Program (hereafter referred to as the "LCP"). These amendments are pursued at the recommendation of the California Coastal Commission staff to enable the amendments to be approved by the Coastal Commission without further modification.

#### **1. Amendments to the Inland Zoning and Building Regulations**

Since the Inland Accessory Dwelling Unit Ordinance became operative in October of 2020, staff and the public have suggested a number of text corrections and explanatory language changes that make the ordinance easier to use. The full text of the amendments is included as Attachment 1.

Summary of text amendments to Humboldt County Code ("HCC") Section 314. The amendments:

- Clarify the size limit on junior accessory dwelling units (JADUs) (69.05.1 and 69.05.3.8.1);
- Clarify the 1200 square foot size limit as it pertains to attached and detached ADUs (69.05.4.3);
- Specify that an attached ADU may overcome the size limit with a Special Permit, the same as for detached ADUs (69.05.4.3.1);
- Resolve a conflict with HCC 314-102.1.1 regarding height limits (69.05.4.8); and
- Revise zoning table references, specifying where ADUs are principally permitted and noting special conditions (Tables 314-3 through -8).

Summary of the text amendment to HCC Section 331.5 Modified Limited Density Rural Owner-Builder (AOB) Regulations:

- Create an exception to the regulation limiting Alternative Owner Builder permits to one per person every two years, so that one person can permit both an owner-built dwelling and an owner-built accessory dwelling unit in that period (331.5-7).

Drafts of the proposed text changes were circulated to planning staff and their recommendations included.

## **2. Local Coastal Program Amendment**

Staff transmitted the coastal version of the ADU ordinance to the Coastal Commission for certification on December 15, 2020. The Commission responded by letter on January 6, 2021, requesting further information and recommending revisions. The drafts proposed here reflect the recommendations of the Coastal Commission in its January letter and in later staff communications. Amendments to the six local area plans ("Land Use Plans," or "LUPs"), and amendments to the Coastal Zoning Regulations together make up the proposed LCP Amendment.

(a) The following amendments are proposed to the six Land Use Plans, in addition to those previously adopted.

### *Substantive changes recommended by Coastal Commission staff since adoption*

#### In All Land Use Plans:

- Section 3.23 Timberlands and equivalents: language defining elements of the two-acre residential curtilage is added; a cross-reference to the zoning regulation is added.
- Section 3.24 Agriculture and equivalents: language is added that explicitly allows ADUs as a compatible use, but prohibits ADUs on prime agricultural soil. This incorporates the prohibition in the CZR 69.05.4.12 in each Land Use Plan.
- In section 4.10 B Rural Land Use Designations and equivalents, explicit prohibition of ADUs on prime ag soil in agricultural land use designations reiterates the zoning code and the policy of section 3.24 above.

### *Amendments correcting errors and omissions*

#### All Land Use Plans Except Humboldt Bay Area Plan:

In sections 4.20 Urban Land Use Designations and 4.30 Rural Land Use Designations and equivalents, a redundant cross-reference to section 69.05 of the zoning code is struck, where present.

#### Humboldt Bay Area Plan:

HBAP Section 4.10 A: ADUs on prime are added as an allowed use in RH and RM designations, correcting an omission in the approved draft. In 4.10 B, ADUs are explicitly added as a residential use in the TC designation, and JADUs are added in the CR plan designation, correcting previous omissions.

Trinidad Area Plan:

In section 4.20, a cross-reference to section 3.24 defining timber production uses is repositioned for clarity.

In the McKinleyville Area Plan:

In section 5.20, a cross-reference to the zoning code is added in the RH and RM use designations flagging special regulations for ADUs accessory to multi-family dwellings.

In the Eel River Area Plan:

In section 3.34 B Agriculture, the familial occupancy requirement language for a second ag residence is restored, correcting an inconsistency in the previous draft.

In section 5.30, explicit mention of ADUs as residential use is added in the TC designation; and JADUs are added as a use in the CR land use designation, correcting previous omissions.

In the South Coast Area Plan:

In section 5.30, explicit mention of ADUs as a residential use is added to the TC designation correcting a previous omission; and the cross-reference to designation AEP is changed to AEG, correcting an error in the previous code since there is no AEP land use designation in SCAP.

(b) The following revisions to HCC Sections 312 and 313, Coastal Zoning Regulations, are recommended by Coastal Commission staff and are reflected in the draft Ordinance.

Chapter 2, Administration, Procedures, Amendments and Enforcement is amended in order to:

- In Section 312-6.3.1, update and clarify the public hearing requirement for ADUs.
- In Section 312-9.2.4, update Table 9.2.4 to clarify hearing requirements; include footnotes relating to public hearings.

Chapter 3, Regulations Inside the Coastal Zone is amended in order to:

- In Section 313-69.05.1, modify the JADU definition; specify the number of JADUs allowed; and add a reference to 69.05.3.8 which explains ADU/JADU combinations;
- In Section 313-69.05.2, reword to clarify the general ADU permit and public hearing requirement; explain the process if an earlier CDP requires a permit for later development; and add a zone list for ADUs;
- In Section 313-69.05.2.1, clarify exceptions to the general rule; reword and explain the CDP process, and explain the process where the Categorical Exclusion Order does not apply;
- In Section 313-69.05.2.2, replace "excluded" with "prohibited", and explain the effect of an earlier CDP;
- In Section 313-69.05.2.3, add "and any associated CDP";
- In Section 313-69.05.3.1, clarify the number of ADUs allowed;
- In Section 313-69.05.3.8, clarify ADU and JADU configurations; change the header for sec. 69.05.3; move the definition of JADU to 69.05.2 and insert a cross-reference; remove the repeated language in 69.05.3.8 regarding ministerial approval, and fortify the explanation in 69.05.2;



- In Section 313-69.05.3.8.2, move language pertaining to non-habitable accessory buildings to 69.05.8.3.1, which deals with existing structures;
- In Section 313-69.05.4.2, add fire safety setbacks to the definition of curtilage areas; note prohibition of ADUs on prime agricultural soils on ag lands (reiterating Section 69.05.4.12);
- In Section 313-69.05.4.11, add a cross-reference to Natural Resources Protection Policies and Standards definitions in LUPs;
- In Section 313-69.05.7, clarify that “ADUs are not permitted” in NR areas.
- In Section 313-5, Table 5.2, update table to reflect JADU uses allowed;
- In Section 313-6, Table 6.1, specify “one” ADU and “one” JADU per lot, cross-referenced to 69.05.3.8; and in table 6.2, clarify that ADUs accessory to single-family units require a CUP by reviving struck language.
- Sections 313-6.3, -6.4, -7.1, and 7.3, no change from adopted draft (included for Coastal Commission benefit);
- In Section 313-7.2, strike confusing reference to “Single Family Residential” under Conditionally Permitted Use, as it pertains to the second residence only. Single-family residential use is principally permitted in 313-163.1.9.9 Use Classifications.

**Alternatives:** The Planning Commission could recommend that the Board of Supervisors not approve the text amendments to the Inland Zoning regulations, the Building Regulations, and/or the LCP amendment if the Commission finds that the evidence presented does not support making all the required findings. In that case, however, parts of the LCP pertaining to ADUs that conflict with state law would remain in the published code even though they can no longer be enforced. Based on the information in this staff report, planning staff believes the evidence supports making all the required findings and does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-**

**RECOMMENDS THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS  
CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,  
ADOPT TEXT AMENDMENTS TO THE INLAND ZONING AND BUILDING REGULATIONS, AND  
ADOPT THE LOCAL COASTAL PROGRAM AMENDMENT CONSISTING OF  
AMENDMENTS TO SIX COASTAL LAND USE PLANS AND COASTAL ZONING REGULATIONS  
ALL PERTAINING TO ACCESSORY DWELLING UNITS**

**WHEREAS**, on September 1, 2020 the Board of Supervisors adopted the Inland Accessory Dwelling Unit Ordinance No. 2650 and associated General Plan Amendment, and amendments to the Modified Low-Density Owner-Built Rural Dwelling Regulations (“Alternative Owner-Builder” or “AOB” Code); and

**WHEREAS**, the Inland Accessory Dwelling Unit regulations became operative on October 1, 2020, and since then staff and the public have suggested certain corrections and explanations to the text of the ordinance and building code to improve clarity and ease of use; and

**WHEREAS**, the proposed text amendments to the Inland Accessory Dwelling Unit regulations and to the Building Regulations are non-controversial, and do not affect operation of the code. The proposed changes clarify ADU and JADU size and height limits, clean up and amend zoning tables, and allow for an AOB dwelling and an ADU to be permitted concurrently; and

**WHEREAS**, the Inland Accessory Dwelling Unit Zoning and Building Code changes are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county; and

**WHEREAS**, the Board of Supervisors, at its September 1, 2020 meeting, approved the Coastal Accessory Dwelling Unit Ordinance No. 2651, and related Coastal Plan amendments (together the “LCP Amendment”), and directed staff to transmit the LCP Amendment to the Coastal Commission for certification; and

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

**WHEREAS**, the amendments to the Board-approved Local Coastal Program Amendment presented here incorporate those and other changes requested by the Coastal Commission staff, as well as text amendments mirroring those proposed for the Inland Zoning Regulations; and

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

**WHEREAS**, the proposed LCP Amendment was developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through

workshops and comments, and in accordance with recommendations of the California Coastal Commission; and

**WHEREAS**, the Planning Division prepared and made available to the public the draft text amendments to the Inland Accessory Dwelling Unit ordinance, and draft Local Coastal Program Amendment consisting of text amendments and changes to the six local coastal plans;

**WHEREAS**, the Planning Division has made project information for the proposed Local Coastal Program Amendments available to the public on the County's webpage at <https://humboldt.gov.org/2448/2019-Housing-Element>; and

**WHEREAS**, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

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

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

**WHEREAS**, the Planning Commission reviewed and considered said report and the Required Findings of Approval, incorporated herein, which contains evidence, findings, and conclusions in support of the required Findings for Approval of the Zoning Text Amendments and Local Coastal Program Amendment regarding accessory dwelling units, as well as any supplements thereto, together with any other written evidence and testimony presented to the Planning Commission.

**NOW, THEREFORE**, the Humboldt County Planning Commission resolves, determines, and orders that the following findings are hereby made:

1. The proposed amendments to the zoning regulation and Local Coastal Program are exempt from CEQA pursuant to Sections 15250, 15251(f) and 15265 of the CEQA Guidelines.
2. The proposed amendments to the zoning regulation and Local Coastal Program do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
3. The Planning Commission makes all the required findings described below in Findings for Approval, which is fully incorporated herein by reference, and finds that the amendments to the Humboldt County Local Coastal Program pertaining to Accessory Dwelling Units in Attachments 2 and 3 conform to the policies contained in Chapter 3 of the Coastal Act.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.
3. Adopt Ordinance \_\_\_\_\_ amending the Zoning Regulations (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) and Building Regulations (Section 331.5 of Title III, Division 3, Chapter 1.5 of Humboldt County Code) as shown in Attachment 1 of this staff report.
4. Adopt by Resolution the amendments to the Humboldt Bay Area Plan, North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan to update development policies and land use designations to accommodate changes in state law regarding ADUs in the coastal zone as shown in Attachment 2 of this staff report.
5. Repeal Ordinance 2651 amending the Coastal Zoning Regulations, and the Ordinance amending section 312 of Chapter 2, and section 313 of Chapter 3 of Division 1 of Title III of the County Code, as shown in Attachment 3 of this staff report.
6. Agree to carry out the Local Coastal Program Amendment in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal Land Use Plans.
7. Direct Planning staff to withdraw the Local Coastal Plan package transmitted to the California Coastal Commission on December 15, 2020 in its entirety, to be superseded by the revised Local Coastal Plan package herein, including all necessary supporting documentation, for their review and certification in accordance with Public Resources Code Section 30514.
8. Resolve that the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Humboldt County Board of Supervisors.
9. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on May 6, 2021. The motion was made by Commissioner \_\_\_\_\_ and second by Commissioner \_\_\_\_\_ and the following vote:

AYES:

NOES:

ABSTAIN:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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John Ford, Director  
Planning and Building Department

## REQUIRED FINDINGS OF APPROVAL

### I. Required Findings of Approval - Inland Zoning Ordinance Amendment:

The following table identifies evidence which supports finding that the proposed zoning ordinance amendment is exempt from CEQA review, is in the public interest, is consistent with the General Plan, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

<b>CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).</b>			
1.	<b>FINDING:</b>		The proposed Inland ADU Ordinance Text Amendments are exempt from environmental review.
2.	<b>EVIDENCE:</b>	a)	Under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance by a city or county regarding second units in areas zoned to allow single-family or multifamily dwelling residential use, is exempt from environmental review.
<b>CONSISTENCY WITH THE INLAND ZONING ORDINANCE.</b>			
3.	<b>FINDING:</b>		Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Zoning Ordinance amendment is in the public interest.
	<b>EVIDENCE:</b>	a)	The purpose of the proposed amendments to the Inland ADU Ordinance is to correct minor errors in the text and to clarify language to make the regulations clearer and easier to use. Simpler language and better explanation for the public advances the overall goal of the ordinance, which is to reduce barriers to development of ADUs. Therefore, the proposed amendments serve the public interest.
4.	<b>FINDING:</b>		Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed text amendments are consistent with the General Plan.
	<b>EVIDENCE:</b>	a)	The proposed text amendments to the Inland Zoning regulations implement H-IM41 of the 2019 Housing Element of the General Plan, which provides that the county shall amend the zoning regulations to allow ADUs by right where standards for public health and safety are met, and where the project complies with other stated conditions.
5.	<b>FINDING:</b>		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. The proposed amendments do not reduce residential density.
	<b>EVIDENCE:</b>	a)	These amendments do involve parcels zoned for residential use that are included in the residential land inventory used by the Department of Housing and Community Development in determining compliance with housing element law. However, the proposed amendments only make changes to text that clarify total floor area limits, frequency of permits, and definitions of types of units. No direct or indirect effects on density would result from adopting the amendments.

**II. Required Findings of Approval - Local Coastal Program Amendment:**

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

<b>CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).</b>			
<b>6.</b>	<b>FINDING:</b>		The proposed LCP amendment is exempt from environmental review.
	<b>EVIDENCE:</b>	a)	Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA.
<b>CONSISTENCY WITH THE GENERAL PLAN.</b>			
<b>7.</b>	<b>FINDING:</b>		The Humboldt County General Plan states the General Plan may be amended if base information or physical conditions have changed. The base information and physical conditions underlying the General Plan have changed.
	<b>EVIDENCE:</b>	a)	The County's six local coastal plans were drafted and certified in the mid-1980s. Certain terminology and definitions require updating to remain meaningful to the public and to conform to state law.
		b)	Changes to state housing law in Gov't. Code Secs. 65852.2 and 65852.22 in 2017 and 2019 regulate Accessory Dwelling Units, formerly designated in Humboldt County Code as "Secondary Dwelling Units". The proposed amendment harmonizes language in accordance with that change.
		c)	New state law limits the ways in which ADUs can be regulated by local jurisdictions. The proposed amendments to the LCP are intended to relax restrictions on ADUs in accordance with these changes while preserving and protecting coastal resources.
<b>8.</b>	<b>FINDING:</b>		Humboldt County General Plan and state General Plan Law stipulate the General Plan Amendment must be in the public interest. The proposed amendment is in the public interest.
	<b>EVIDENCE:</b>	a)	The purpose of the Land Use Plan amendments is to incorporate current state ADU law. For consistency, references to Secondary Dwelling Units or Second Units are amended to Accessory Dwelling Units. Eliminating multiple terms for the same object and removing confusing terminology promotes better understanding of the regulations and is therefore in the public interest.
		b)	Amendments to the six local coastal plans (1) update terminology; (2) clarify ADUs as allowable uses as required by state law; and (3) specify resource protection measures pertaining to ADUs. A Local Coastal Program that is harmonized with state law prevents confusion and carries out Housing Element measures. The public deserves regulations that are current and do

			not conflict with state law; therefore, this amendment is in the public interest.
<b>CONSISTENCY WITH STATE GENERAL PLAN LAW.</b>			
<b>4.</b>	<b>FINDING:</b>		Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.
	<b>EVIDENCE:</b>	a)	The proposed LCP Amendment makes changes to the local coastal plans that (1) update terminology; (2) clarify ADUs as allowable uses as required by state law; and (3) specify resource protection measures pertaining to ADUs. No changes in land use are proposed that would reduce housing opportunities in coastal residential areas. On the contrary, reducing regulatory barriers to ADU development is intended to increase access to housing up to the allowed limits.
<b>CONSISTENCY WITH THE ZONING ORDINANCE.</b>			
<b>5.</b>	<b>FINDING:</b>		Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Coastal Zoning Ordinance amendment is in the public interest.
	<b>EVIDENCE:</b>	a)	The proposed amendment would remove the requirement for certain discretionary review in areas zoned to allow single family or multifamily use, and would relax development standards to facilitate low-cost housing. Given the findings of the legislature that (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government; the proposed ordinance advances these goals, and is therefore in the public interest.
<b>6.</b>	<b>FINDING:</b>		Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed Coastal Accessory Dwelling Unit Ordinance amendment is consistent with, and implements the policies set forth in the six local land use plans: the Humboldt Bay Area Plan; North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan.
	<b>EVIDENCE:</b>	a)	The Coastal ADU Ordinance amendments implement Timberlands Development Policies in HBAP section 3.23 and equivalent sections of the other land use plans, by specifying standards and regulations for development of ADUs on timberlands. Likewise, the ordinance implements Agriculture Development Policies in HBAP section 3.24 and equivalent sections of the other land use plans by specifying standards and regulations for development of accessory dwelling units on agricultural lands.

	<b>EVIDENCE:</b>	b)	Amendments to the coastal zoning ordinance implement development policies for ADUs set forth in HBAP sections 4.10A and 4.10B (and equivalent sections in the other land use plans) through standards and regulations that apply in urban and rural zoning designations.
	<b>EVIDENCE:</b>	c)	The amendments support Policy H-P29 of the General Plan, which directs the county to stimulate the construction of ADUs by relaxing development standards through code modifications to facilitate low-cost housing and to make more efficient use of existing roads; and Housing Element implementation measure H-IM41, requiring that the zoning code be amended to facilitate development of accessory dwelling units.
7.	<b>FINDING:</b>		Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance do not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law. The proposed amendments do not reduce the residential density.
	<b>EVIDENCE:</b>	a)	Some parcels affected by the ordinance changes are part of the 2019 Housing Element Housing Inventory. However, the proposed changes to the Local Coastal Program would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation). On the contrary, reducing regulatory barriers to ADU development is intended to increase housing density up to the allowed limits.
8.	<b>FINDING:</b>		<p>If the proposed changes to the Zoning Ordinance requires a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:</p> <ul style="list-style-type: none"> <li>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</li> <li>b) Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)</li> <li>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)</li> <li>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</li> <li>e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</li> <li>f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).</li> <li>g) The proposed changes to the zoning code conform to the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.</li> </ul>



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

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

		f)	<p><b>Industrial Development</b> (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p> <p>The proposed ordinance concentrates ADUs where single family and multifamily residential development is principally permitted. By definition, this precludes areas with industrial development. As a result, the ordinance would have no impact on industrial development.</p>
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**III. Required Findings of Approval – Amendment to the Building Code:**

The following table identifies evidence which supports finding that the proposed Building Code amendment meets the requirements of Article 8 of Title 25 of the California Code of Regulations.

<b>THE MODIFICATIONS TO ARTICLE 8 OF TITLE 25 AS SHOWN IN THE AOB ORDINANCE AMENDMENTS IN ATTACHMENT 1 ARE NECESSARY BECAUSE OF LOCAL CONDITIONS</b>			
1.	<b>CHANGE HCC §§ 331-12, 331.5-7</b>		The modifications to the AOB ordinance in Attachment 1 increases the allowed frequency of building permits for concurrent AOB construction of both a primary unit and an ADU from one per person per two-years.
	<b>FINDING:</b>		Increasing the number of AOB homes that can be built by an individual from will facilitate the construction of ADUs permitted under the AOB Ordinance which is expected to reduce the cost of new housing in rural areas of Humboldt County and help the County meet its affordable housing needs.
	<b>EVIDENCE:</b>	a)	Presently the AOB Ordinance allows a property owner to construct one home per two year period. The proposed amendments to the AOB ordinance would allow a property owner to construct one AOB home concurrently with an ADU, which increases the likelihood ADU's will be constructed as AOB units.
		b)	The 2019 Housing Element documents that AOB units are more likely to be affordable than conventionally built homes because of reduced permit requirements and allowances for the use of alternative building materials, including wood produced on-site. Allowing concurrent construction of an AOB primary unit and ADU will reduce labor and materials costs by reducing the number of trips made to the site for labor and delivery.
		c)	The 2019 Housing Element also documents that ADU's are more likely to be affordable than other homes because they tend to be smaller and occur on properties of reduced permit requirements and allowances for the use of alternative building materials, including wood produced on-site.
		d)	The 2019 Housing Element also documents that housing prices in Humboldt County are too expensive for many Humboldt County residents and identifies a number of policies and programs for the County to make housing more affordable to residents, including Policy H-P15, a measure to facilitate AOB residences as low-cost housing.
2.	<b>FINDING:</b>		Amendments to the AOB Ordinance are consistent with housing goals expressed in the Humboldt County General Plan to provide a supply of affordable housing to all residents at all income levels, including those in remote and rural areas.

	<b>EVIDENCE:</b>	a)	H-G2, Housing Diversity, states the goal of an adequate supply of all types of affordable housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.
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**ATTACHMENT 1**

**ORDINANCE NO. \_\_\_\_\_,  
AMENDING SECTIONS 314-3 AND 314-69.05 OF CHAPTER 4 OF DIVISION 1 OF  
TITLE III OF THE HUMBOLDT COUNTY CODE, AND SECTION 331.5-7 OF  
CHAPTER 1.5 OF DIVISION 3, TITLE III OF THE HUMBOLDT COUNTY CODE.  
(TEXT AMENDMENTS TO INLAND ADU AND AOB REGULATIONS)**

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4; AND TITLE III, DIVISION 3, CHAPTER 1.5 OF HUMBOLDT COUNTY CODE**

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

SECTION 1. PURPOSE OF ZONING AND BUILDING TEXT AMENDMENTS.

Title III, Division 1, Chapter 4, Inland Zoning Regulations, is hereby amended for clarity, ease of use, and internal consistency; and updates zoning tables to reflect allowances for accessory dwelling units. This ordinance amends and adds text to sections 314-3 and 314-69.05 of Chapter 3 of Division 1 of Title III of the County Code; and section 331.5-7 of the Modified Limited Density Owner-Built Rural Dwelling Regulations in Chapter 1.5 of Division 3, Title III of the County Code regarding frequency of permits.

SECTION 2. ACCESSORY DWELLING UNIT ORDINANCE

Section 314-69.05 regarding Accessory Dwelling Units in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby amended and added to as follows (modifications proposed at this time are shown in underline text, deletions are shown in ~~striketrough~~ text:

**314-69.05 ACCESSORY DWELLING UNITS**

69.05.1 Purpose and Findings.

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 a single-family structure, as defined in Government Code section 65852.22. JADUs are principally permitted in all areas where ADUs are principally permitted, and special rules apply as set forth in section 69.05.3.8 of this code.

69.05.3.8.1 JADUs

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22 including a maximum size of 500 square feet floor area.

69.05.4 Development Regulations, Standards, and Applicable Codes.

69.05.4.3 Total Floor Area.

The total floor area of a detached ADU shall not exceed one thousand two hundred (1200) square feet. If there is an existing primary residence, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the area of the existing primary residence or 1200 square feet. The minimum floor area shall be one hundred fifty (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 one thousand two hundred (1200) 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.

Added:

69.05.4.8 Height Limits

Height limits for accessory dwelling units and junior accessory dwelling units must allow at least 16 feet (16') in height, in spite of the general height limit of 15 feet set by section 314-102.1 of this code.

~~Accessory dwelling units in residential zones (R-1, R-2, R-3, R-4, RS), and in Unclassified (U) zones where the General Plan designates the area for residential development, are subject to the following height limits (HCC 314-102.1):~~

~~(a) Fifteen feet (15') height on lots 20,000 square feet or smaller in lot area.~~

~~(b) Twenty-six feet (26') height on lots larger than 20,000 square feet in lot area.~~

~~An exception applies in the case where there is a combination JADU/ADU on a parcel in a residential or mixed use zone. There, the detached ADU must be no more than 16 feet (16') high. (See sec. 69.05.3.8.2).~~

### SECTION 3. INDUSTRIAL ZONE DISTRICTS

Tables in Section 314-3 regarding Industrial Zone Districts are amended as follows (modifications proposed at this time are shown in underline text, deletions are shown in ~~strikethrough~~ text:

314-3 INDUSTRIAL USE REGULATIONS

<a href="#">314-3.2</a>	<b>ML: LIMITED INDUSTRIAL</b>
<b>Principal Permitted Uses</b>	
Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. <a href="#">1086</a> , Sec. 8, 7/13/76)	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. <a href="#">1086</a> , Sec. 8, 7/13/76)	
Administrative, business and professional offices. (From Section INL#314-43(a)(2))	
Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))	
Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use	
<b>Uses Permitted with a Special Permit</b>	
Single Room Occupancy Facilities which are conversions of existing buildings	
<b>Uses Permitted with a Use Permit</b>	
Dwellings, <u>accessory dwelling units</u> , manufactured homes, hotels, motels, emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use, and manufactured home parks. (Amended by Ord. <a href="#">2335</a> , 12/14/04)	
Animal hospitals and kennels.	
Animal feed and sales yards.	
Manufacture of furniture, finished paper and paper products.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the ML zone.	

<a href="#">314-3.3</a>	<b>MH: HEAVY INDUSTRIAL</b>
<b>Principal Permitted Uses</b>	
Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. <a href="#">1086</a> , Sec. 8, 7/13/76)	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. <a href="#">1086</a> , Sec. 8, 7/13/76)	
Administrative, business and professional offices. (From Section INL#314-43(a)(2))	
Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))	
Animal hospitals and kennels. (From Section INL#314-43(b)(2))	
Animal feed and sales yards. (From Section INL#314-43(b)(3))	
Manufacture of furniture, finished paper and paper products. (From Section INL#314-43(b)(4))	



<a href="#"><u>314-3.3</u></a>	<b>MH: HEAVY INDUSTRIAL</b>
Industrial manufacturing uses, except as provided in the following subsection, Uses Permitted with a Use Permit.	
<b>Uses Permitted with a Special Permit</b>	
Single Room Occupancy Facilities which are conversions of existing buildings	
<b>Uses Permitted with a Use Permit</b>	
Dwellings, <u>accessory dwelling units</u> , manufactured homes, hotels, motels, emergency shelters, manufactured home parks, and special occupancy parks. (Amended by Ord. <a href="#"><u>2335</u></a> , 12/14/04)	
All uses except: One-family dwellings; general agriculture; rooming and boarding of not more than two (2) persons; and manufactured homes. (Former Sections 314-2(c); 314-2(b)(1-4) and 314-46(b)(2))	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MH zone.	

#### SECTION 4. RESIDENTIAL ZONE DISTRICTS

Tables in Section 314-4 regarding Residential Zone Districts are amended as follows (modifications proposed at this time are shown in underline text, deletions are shown in ~~strikethrough~~ text):

#### 314-6 RESIDENTIAL ZONE DISTRICTS

<b>314-6.1 RS: RESIDENTIAL SUBURBAN</b>	
<b>Principal Permitted Uses</b>	
One-family dwellings.	
<u>Accessory Dwelling Unit</u>	
Servants' quarters and guest houses.	
Keeping of no more than eight (8) household pets on each lot.	
<b>Uses Permitted with a Use Permit</b>	
Private Institutions.	
Private recreation facilities, including golf courses.	
Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RS zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	One (1) acre.
<b>Minimum Lot Width</b>	125 feet.
<b>Minimum Lot Depth</b>	110 feet.
<b>Minimum Yard Setbacks*</b>	
Front	Twenty (20) feet
Rear	Ten (10) feet
Interior Side	Five (5) feet
Exterior Side	Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In

	questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setback may be reduced to ten (10) feet 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.
<b>Maximum Ground Coverage</b>	35 percent.
<b>Maximum Building Height</b>	Thirty-five feet (35').

<b>314-6.2 R-1: RESIDENTIAL ONE-FAMILY</b>	
<b>Principal Permitted Uses</b>	
One-family dwelling.	
<b>Accessory Dwelling Unit</b>	
Rooming and boarding of not over two (2) persons not employed on the premises.	
Keeping of no more than four (4) household pets on each lot.	
<b>Uses Permitted with a Use Permit</b>	
Guest houses and servants quarters.	
Public and private noncommercial recreation facilities, including golf courses.	
Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-1 zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times lot width.
<b>Minimum Yard Setbacks*</b>	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet 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.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Building Height</b>	Thirty-five feet (35').

<b>314-6.3 R-2: RESIDENTIAL TWO-FAMILY</b>	
<b>Principal Permitted Uses</b>	
One-family dwellings.	
<b>Accessory Dwelling Unit</b>	
Two-family dwellings.	
Rooming and boarding of not more than two (2) persons not employed on the premises.	
Keeping of no more than four (4) household pets for each dwelling unit.	
<b>Uses Permitted with a Use Permit</b>	
Guest houses and servants quarters.	
Private institutions.	
Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-2 zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times lot width.
<b>Minimum Yard Setbacks*</b>	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet 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.
<b>Maximum Ground Coverage</b>	Forty percent (40%).
<b>Maximum Building Height</b>	Thirty-five feet (35').

<b>314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY</b>	
<b>Principal Permitted Uses</b>	
Two-family dwellings. (Amended by Ord. 2166, 4/7/98)	
<b>Accessory Dwelling Unit</b>	
Dwelling groups and multiple dwellings containing four or fewer units per building. (Amended by Ord. 2313A, 12/16/03)	
Keeping of no more than two (2) household pets for each dwelling unit.	
Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use	
Single Room Occupancy Facilities	
<b>Uses Permitted with a Use Permit</b>	
Hotels, motels, manufactured home parks, rooming and boarding houses, and emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use (Amended by Ord. 2335, 12/14/04)	
Private institutions.	
Professional offices.	
One family dwellings and <u>Accessory Dwelling Units</u> 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. (Added by Ord. 2166, Sec. 12, 4/7/98)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-3 zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	5,000 square feet, but not less than 500 square feet for each dwelling unit.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times lot width.
<b>Minimum Yard Setbacks*</b>	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half the front if all parts of the main building are more than twenty-five feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet 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.

314-6.5 R-4: APARTMENT PROFESSIONAL ZONE

<b>314-6.5 R-4: APARTMENT PROFESSIONAL</b>
<b>Principal Permitted Uses</b>
Two-family dwellings and multiple dwellings, <u>accessory dwelling units accessory to multifamily dwellings</u> , and dwelling groups. (Amended by Ord. <a href="#">2166</a> , Sec. 13, 4/7/98)
Professional and business offices.
Commercial instruction.
Boarding and rooming houses.
Keeping of no more than two (2) household pets for each dwelling unit.
Manufactured home parks.
Single Room Occupancy Facilities.
<b>Uses Permitted with a Use Permit</b>
Hotels motels and emergency shelters. (Amended by Ord. <a href="#">2335</a> , 12/14/04)
Private institutions.
Social Halls and fraternal and social organizations.
Noncommercial recreation facilities.
Mortuaries.
Small animal hospitals completely enclosed within a building.
One-family dwellings 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. (Added by Ord. <a href="#">2166</a> , Sec. 13, 4/7/98)
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-4 zone.

<b>314-6.6 RA: RURAL RESIDENTIAL AGRICULTURE</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
Residential Use Types	Single Family Residential <u>Accessory Dwelling Unit</u> <del>Second Residential Unit</del> (Amended by Ord. 2167, Sec. 16, 4/7/98)
Civic Use Types	Minor Utilities
Agricultural Use Types	General Agriculture
Industrial Use Types	Cottage Industry; subject to the Cottage Industry Regulations
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Guest House
Civic Use Types	Essential Services Community Assembly Public Recreation and Open Space Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Commercial Use Types	Neighborhood Commercial Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations Private Recreation
Agricultural Use Types	Stables and Kennels Intensive Agriculture
Commercial Timber Use Type	Timber Production
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Types	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 RA zone.

## SECTION 5. RESOURCE USE REGULATIONS

Tables in Section 314-7 regarding Resource Use Regulations in Title III, Division 1, Chapter 4 of the Humboldt County Code are amended as follows (modifications proposed at this time are shown in underline text, deletions are shown in ~~strike through~~ text):

### 314-7 RESOURCE USE REGULATIONS

<b>314-7.1 AE: AGRICULTURE EXCLUSIVE</b>
<b>Principal Permitted Uses</b>
All general agricultural uses, including accessory agricultural uses and structures listed at Sections 314- 43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted

Agricultural Accessory Structures), except those specified in the following subsection, Uses Permitted with a Use Permit. (Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00; Amended by Ord.2635, 8/24/19)	
Timber Production	
Single Family Residence	
<del>Accessory Dwelling Unit</del> <del>Second Residential Unit</del> . On lots 40 acres or larger in size, two single detached dwellings are permitted within the same contiguous two (2) acre building envelope containing the primary residence	
Manufactured homes.	
<b>Uses Permitted with a Use Permit</b>	
Hog farms, turkey farms, frog farms and fur farms.	
Aquaculture	
Animal feed yards and sales yards.	
Agricultural and timber products processing plants.	
Agriculture-Related Recreation, Resource-Related Recreation	
Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc., which do not change the character of the principal use.	
Public Recreation and Public Access Facilities	
Rental and sales of irrigation equipment and storage incidental thereto.	
Animal hospitals.	
Stables and Kennels	
Farm Employee Housing, Labor camps and labor supply camps. (Table 4-G)	
Fish and Wildlife Habitat Management, Watershed Management, Wetland Restoration	
Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.	
Metallic Mining, Surface Mining	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.	
<b>Other Regulations</b>	
<b>No Subdivisions</b>	Subdivisions may only be approved by official map, record of survey or recorded subdivision, for the managed production of resources, where parcels are subject to a binding and recorded restriction prohibiting the development of a residential structures or residential accessory structures.

<b>314-7.2 AG: AGRICULTURE GENERAL</b>
<b>Principal Permitted Uses</b>
General Agriculture, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

One-family dwellings and farm dwellings; <u>Accessory Dwelling Units</u> .	
Rooming and boarding of not more than two (2) persons not employed on the premises.	
Manufactured homes.	
<b>Uses Permitted with a Use Permit</b>	
Guest houses, servants' quarters, labor camps and labor supply camps.	
Hog farms, turkey farms, frog farms and fur farms.	
Animal feed lots and sales yards.	
Agricultural and timber products processing plants.	
Rental and sales of irrigation equipment and storage incidental thereto.	
Animal hospitals and kennels.	
Golf courses. (Amended by Ord. 2189, Sec. 1, 2/9/99)	
Private institutions and cemeteries.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AG zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	Two and one-half (2 ½) acres.
<b>Minimum Lot Width</b>	Sixty feet (60').
<b>Maximum Lot Depth</b>	(None specified.)
<b>Minimum Yard Setbacks*</b>	
Front	Twenty feet (20');
Rear	Twenty feet (20');
Side	Six feet (6').
Farm Outbuildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Building Height</b>	Thirty-five feet (35'). (Ord. 1086, Sec. 6, 7/13/76)

<b>314-7.3 FR: FORESTRY RECREATION</b>
<b>Principal Permitted Uses</b>
One-family dwellings and farm dwellings.
<u>Accessory Dwelling Units</u>
General agriculture, nurseries and greenhouses, and roadside stands.
Public and private noncommercial recreational uses, including golf courses and public stables.
Social halls, fraternal and social organizations, and clubs.
Manufactured homes.
<b>Uses Permitted with a Special Permit</b>
Single Room Occupancy Facilities.
<b>Uses Permitted with a Use Permit</b>
Hotels, motels, special occupancy parks and manufactured home parks. (Amended by Ord. 2166, Sec. 10, 4/7/98)
Two-family and multiple dwellings.
Restaurants, food markets and automobile service stations, and commercial recreational facilities.



Agricultural and timber products processing plants.	
Private institutions and cemeteries.	
Hog farms, turkey farms, frog farms and fur farms.	
Animal hospitals and kennels.	
Wrecking and salvage yards.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the FR zone.	
<b>Other Regulations</b>	
<b>Minimum Lot Area</b>	One (1) acre.
<b>Minimum Lot Width</b>	Two hundred feet (200').
<b>Maximum Lot Depth</b>	(None specified.)
<b>Minimum Yard Setbacks*</b>	
Front	Twenty feet (20').
Rear	Twenty feet (20').
Side	Ten feet (10').
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Building Height</b>	Thirty-five feet (35'). (Ord. 1086, Sec. 4, 7/13/76)

<b>314-7.4 TPZ: TIMBERLAND PRODUCTION</b>
<b>Principal Permitted Uses</b>
Growing and harvesting of timber and accessory uses compatible thereto.
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)
<b>Principal Permitted Uses Compatible with Timber Production</b>
The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)
Management for watershed and wetland restoration.
Management for fish and wildlife habitat.
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.
Grazing and other agricultural uses.
One-family dwelling or manufactured home, <u>accessory dwelling unit</u> , and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences.
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)
<b>Uses Permitted with a Use Permit</b>
Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-

10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.
Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities. (Added by Ord. 2635, 8/27/19)
Public Recreation and Public Access Facilities. (Added by Ord. 2635, 8/27/19)
Oil & Gas Drilling & Processing, Metallic Mining, Surface Mining. (Added by Ord. 2635, 8/27/19)
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)
Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use. (Added by Ord. 2635, 8/27/19)
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.

7.4.1.6.2 Accessory Dwelling ~~Second Residential~~ Units may be permitted on parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. (Amended by Ord. \_\_\_\_\_)

7.4.1.6.3 Parcels smaller than forty (40) acres shall not have second or accessory secondary dwelling units, unless located within a Community Planning Areas. (Former Section INL#314-12(f)(2) (Amended by Ord. \_\_\_\_\_)

<b>314-7.5 TE: TIMBERLAND EXCLUSIVE ZONE</b>
<b>Principal Permitted Uses</b>
Growing and harvesting of timber and accessory uses compatible thereto.
Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).
One-family dwelling or manufactured home, <u>accessory dwelling unit</u> , and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences in Section 314-7.4.1.6
Management for watershed and wetland restoration
Management for fish and wildlife habitat.
A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").
The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.
Grazing and other agricultural uses.
Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.
Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.
Cottage Industry, subject to Cottage Industry Regulations
<b>Uses Permitted with a Use Permit</b>
Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.
Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses.
Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use.
Public Recreation and Public Access Facilities.

Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.
Oil & Gas Drilling & Processing, Metallic Mining, Surface Mining
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TE zone.

**SECTION 6. UNCLASSIFIED ZONE REGULATIONS**

Tables in Section 314-8 regarding Unclassified Zone Regulations in Title III, Division 1, Chapter 4 of the Humboldt County Code are amended as follows (modifications proposed at this time are shown in underline text, deletions are shown in ~~striketrough~~ text):

**314-8 UNCLASSIFIED ZONE REGULATIONS**

<b>314-8.1 U: UNCLASSIFIED ZONE</b>	
<b>Principal Permitted Uses</b>	
One-family dwelling.	
<u>Accessory Dwelling Unit</u>	
General agriculture.	
Rooming, and boarding of not more than two (2) persons.	
Manufactured home.	
<b>Uses Permitted with a Use Permit</b>	
All other uses not specified in the subsection, Principal Permitted Uses, may be permitted upon the granting of a Use Permit.	
<b>Other Regulations for All Permitted Uses</b>	
<b>Minimum Lot Area</b>	6,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the width.
<b>Minimum Lot Depth</b>	One hundred feet (100').
<b>Minimum Yard Setbacks*</b>	
Front	Twenty feet (20').
Rear	Ten (10) feet.
Side	Five (5) feet.
<b>Minimum Distance Between Major Buildings</b>	Twenty feet (20').
<b>Maximum Ground Coverage</b>	Forty percent (40%).
<b>Maximum Building Height</b>	(None specified.)
<b>Other Regulations for Uses Permitted with a Use Permit</b>	
The building height, site area, setbacks and other requirements for all other uses shall be as required by the Planning Commission in the granting of a Use Permit.	

**SECTION 7. REGULATIONS FOR ALTERNATIVE OWNER BUILDERS**

Section 331.5-7 regarding frequency of permits in Modified Limited Density Owner-Built Rural Dwelling Regulations in Chapter 1.5 of Division 3, Title III of the County Code is hereby amended as follows (modifications proposed at this time are shown in underline text, deletions are shown in ~~striketrough~~ text):

**331.5-7. FREQUENCY OF PERMITS**

No more than one (1) building permit for initial construction of an owner-built dwelling in a rural area shall be issued to the same person in any two (2) year period, except that a building permit for initial construction of both an owner-built dwelling and owner-built accessory dwelling unit may be issued to the same person.

SECTION 8. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_  
Virginia Bass, Chair  
Board of Supervisors of the County of Humboldt,  
State of California

(SEAL)

ATTEST:  
Kathy Hayes  
Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

By: \_\_\_\_\_  
Ryan Sharp, Deputy Clerk

Date:

## ATTACHMENTS 2

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

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

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

#### 3.23 TIMBERLANDS

##### B. Development Policies

##### 1. Identification of Timberlands

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

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

#### 3.24 AGRICULTURE

##### B. Development Policies

##### 2. Compatible Uses

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

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

Other uses considered compatible with agricultural operations include:

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

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

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

### **4.10 A. URBAN LAND USE DESIGNATIONS**

#### **RH: RESIDENTIAL/HIGH DENSITY**

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

#### **RL: RESIDENTIAL/LOW DENSITY**

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

#### **RM: RESIDENTIAL/MEDIUM DENSITY**

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

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

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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



CR: COMMERCIAL RECREATIONAL

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

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

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

3.33 AGRICULTURE

B. COMPATIBLE USES

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

Other uses considered compatible with agricultural operations include:

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

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

3.34 TIMBERLANDS

B. COMPATIBLE USES

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

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

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

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

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

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

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

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

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

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

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

## TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

### 3.24 TIMBERLAND

A. PLANNED USES

1. Identification of Timberlands

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

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

**TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.**

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

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

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

CR COMMERCIAL RECREATIONAL

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

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 of this document. ~~An~~

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

- RR RURAL RESIDENTIAL  
PRINCIPAL USE: residential, accessory dwelling unit. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.~~
- RV RURAL VILLAGE  
PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 B2. ~~An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at Section 313-69.05.~~
- TC COASTAL COMMERCIAL TIMBERLAND  
PRINCIPAL USES: timber production as provided in Section 3.24 of this document including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use ~~as provided in Section 3.24 of this document~~ incidental to this use, and principal uses permitted under AEP ~~except second dwelling.~~
- CONDITIONAL USES: management of watershed, management for fish and wildlife, utility and transmission lines, ~~second dwellings~~, temporary labor camps, permanent timber processing plants for commercial processing of wood and wood products.

## **MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.**

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

### **3.34 AGRICULTURE**

#### **B. COMPATIBLE USES**

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

Other uses considered compatible with agricultural operations include:

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

### 3.35 TIMBERLANDS

#### B. COMPATIBLE USES

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

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

## **MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.**

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

## 5.20 URBAN PLAN DESIGNATIONS

### RH: RESIDENTIAL/HIGH DENSITY

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

### RM: RESIDENTIAL/MEDIUM DENSITY

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

### RL: RESIDENTIAL/LOW DENSITY

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

### RE: RESIDENTIAL ESTATES

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

### CR: COMMERCIAL RECREATIONAL

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

### AG: AGRICULTURAL/GENERAL

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

## 5.30 RURAL PLAN DESIGNATIONS

### RX: RESIDENTIAL/EXURBAN

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

### RR: RURAL RESIDENTIAL

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

**AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS**

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

**AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS**

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

**AG: AGRICULTURE/GENERAL**

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

**TC: COASTAL COMMERCIAL TIMBERLAND**

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

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

**CR: COMMERCIAL RECREATION**

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

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

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



### 3.34 AGRICULTURE

#### B. COMPATIBLE USES

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

Other uses considered compatible with agricultural operations include:

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

### 3.35 TIMBERLANDS

#### B. COMPATIBLE USES

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

- f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structure for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage,

whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A The second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

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

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

### **5.20 URBAN PLAN DESIGNATIONS**

#### **RM: RESIDENTIAL/MEDIUM DENSITY**

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

#### **RL: RESIDENTIAL/LOW DENSITY**

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

#### **CR: COMMERCIAL RECREATIONAL**

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

#### **AG: AGRICULTURE/GENERAL**

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

### **5.30 RURAL PLAN DESIGNATIONS**

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

#### **RX: RESIDENTIAL/EXURBAN**

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

RR: RURAL RESIDENTIAL

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

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

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

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

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

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

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATIONAL

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

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

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

### 3.34 AGRICULTURE

#### B. COMPATIBLE USES

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

Other uses considered compatible with agricultural operations include:

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

### 3.35 TIMBERLANDS

#### B. COMPATIBLE USES

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

to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. The A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

## **SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.**

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

### **5.20 URBAN PLAN DESIGNATIONS**

#### **RM: RESIDENTIAL/MEDIUM DENSITY**

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

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

#### **RL: RESIDENTIAL/LOW DENSITY**

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

### **5.30 RURAL PLAN DESIGNATIONS**

#### **AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS**

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

#### **TC: COASTAL COMMERCIAL TIMBERLAND**

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

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

### ATTACHMENT 3

**Ordinance No. \_\_\_\_\_, repealing Ordinance 2651 and adding section 313-69.05; amending sections 313-6 and 313-7, and amending sections 313-107, 313-109, 313-136, 313-137, 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 and 312-9 of Chapter 2 of Division 1 of Title III of the County Code, General Provisions, relating to Accessory Dwelling Units. (Coastal Accessory Dwelling Unit Ordinance)**

## ORDINANCE 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 section 313-87.1, and 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; 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, of the Humboldt County Code, regarding applications for permits and variances, is amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

~~6.3.1 Applications for Accessory Dwelling Units do not require a Public Hearing, but may require a Coastal Development Permit if within the Coastal Zone. In areas subject to Coastal Commission appeals, notice of an application for a Coastal Development Permit must be given in accordance with Section 312-8.1. The notice shall contain the following information:~~

- ~~(a) a statement that the development is within the coastal zone;~~
- ~~(b) the date of filing of the application and the name of the applicant;~~
- ~~(c) the number assigned to the application;~~
- ~~(d) a description of development and its proposed location;~~
- ~~(e) the date the application will be acted upon by the local governing body or decision-maker;~~
- ~~(f) the general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision; a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.~~

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.



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 (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

9.2.4

<b>9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER</b>				
<b>Application Type</b>	<b>May Be Waived<sup>1</sup></b>	<b>Director<sup>2</sup></b>	<b>Zoning Administrator<sup>2</sup></b>	<b>Planning Commission</b>
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 Commission and qualify as minor development consistent with Section <u>312-9.2.5</u>	W			
Coastal Development Permits for <u>Accessory Dwelling Units (ADU's)</u> <del>whether or not they are</del> <u>if they do not involve a Special Permit, Conditional Use Permit or Variance, and are not otherwise appealable to the California Coastal Commission.</u>	NR			
Coastal Development Permits that <u>do not involve ADUs and</u> are not appealable to the California Coastal Commission	W	O		

**9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER**

Application Type	May Be Waived <sup>1</sup>	Director <sup>2</sup>	Zoning Administrator <sup>2</sup>	Planning Commission
Planned Unit Development Permits			O	O

“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.

<sup>1</sup> Subject to making all required findings of Section 312-9.2 of this Chapter.

<sup>2</sup> 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.

## 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

### 313-69.05 ~~87.1~~ SECOND RESIDENTIAL UNIT ACCESSORY DWELLING UNIT

~~**87.1.1 Purpose.** These regulations are intended to set forth standards for the creation of a subordinate residential unit or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods. These units are also referred to as second units, second dwelling units, secondary dwelling units, etc., but all refer to the same type of structure and use and mean the same.~~

#### **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 allows 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 of less than is no more than 500 square feet contained entirely within another a single-family structure; that may include separate sanitation facilities, or may share sanitation facilities with the existing structure; and that meets the other criteria in Govt. Code section 65852.22. JADUs are permitted as ADUs without discretionary review in all areas where ADUs are principally permitted, except that special rules apply to JADUs as set forth in section 69.05.3.8 of this code, and may be combined with a detached ADU which allows a combination JADU and a detached ADU on the same lot.

87.1.2 Second Residential Units Permitted with Special Use Permit. A second residential unit use type, as defined in this Code, may be permitted upon securement of a Special Permit or Use Permit with a Coastal Development Permit in RS and RA zones if all the criteria of subsection 313-87.1.4, Development Regulations and Standards, are met. A second residential unit that cannot meet all the criteria in subsection 87.1.4 may be permitted with a coastal development permit and Special Permit pursuant to subsections 313-87.1.7 through 313-87.1.10 so long as the second unit meets the criteria of section 87.1.4.8—87.1.4.12.

### **69.05.2 Accessory Dwelling Units Generally Permitted.**

In general, ADUs are permitted without discretionary review 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 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. The Coastal Act still applies, and a Coastal Development Permit (CDP) is required for development that is not exempt and is not subject to waiver, except that public hearings are not required for CDP applications for accessory dwelling units. The CDP process for is described in Section 312-6 of this code.

#### 69.05.2.1 No Coastal Development Permit Required

No Coastal Development Permit (CDP) is required in the following instances:

- (a) The unit is a junior accessory dwelling unit (JADU) as defined in Govt. Code section 65852.22, and it conforms to requirements of that section; no CDP is required unless specified in a previously issued CDP for existing development on the lot;
- (b) The ADU is exempt because it is contained within or directly attached to a single-family structure as specified in Title 14 of California Code of Regulations, section 13250(a)(1);
- (c) The ADU is subject to a de minimus waiver as described in section 312-16.1 of this code, and consistent with Public Resource Code section 30624.7; or
- (d) The project does not qualify as development under Public Resources Code, section 30106.

#### 69.05.2.1 Coastal Development Permit Requirements For ADUs

Coastal Development Permits (CDPs) may be required for ADUs as follows:

- (a) ADUs Exempt or Excluded from CDP Requirements:
  - i. Junior Accessory Dwelling Units (JADU's) as defined in Govt. Code section 65852.22, that conform to requirements of that section are exempt from the requirement for a CDP unless specified otherwise in a previously issued CDP for existing development on the lot.
  - ii. 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) ADUs Allowed Without a Public Hearing

ADU's are allowed with a CDP that does not involve 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 may be ~~excluded~~ prohibited or may require a Special 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 may still be permitted with a Special Permit 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.

~~87.1.3 General Provisions. The following General Provisions shall apply to all secondary residential units.~~

**69.05.3 General Provisions that Apply to All ADUs.**

The following provisions apply to ADUs and JADUs.

~~87.1.3.1 Ownership: A second residential unit shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met.~~

69.05.3.1 One or more ADUs per lot.

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

69.05.3.2 Ownership.

An ADU shall not be sold separately from the principal dwelling, except that Moveable Tiny Houses maybe be sold when removed from the lot.

~~87.1.3.2~~ 69.05.3.3 Renting Permitted.

The ~~second residential unit~~ ADU may, but need not be, rented. ~~although rental is not required.~~

87.1.3.4 Kitchen and Bathroom Facilities Required: The second residential unit shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit.

87.1.3.4 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.

87.1.3.3 Building Type: The second residential unit may be attached to, or detached from, the principal residence and may be over a garage.

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.

87.1.3.5 Manufactured Homes: A manufactured home may be permitted as a second residential unit in certain zoning districts where the manufactured home building type is specifically authorized.

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 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.

#### 87.1.3.6 69.05.3.7 Existing Single-Family Residence

Where one single-family dwelling unit exists on a lot, a larger ~~second unit~~ home may be constructed as the principal dwelling unit, and the existing unit treated as the ~~second unit~~ ADU, provided that the floor area of the existing unit is within the limitations of this section, and all other development regulations and standards can be met for both units.

#### 69.05.3.8 ADU and JADU Configurations Within Residential and Mixed Use Zones

~~For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit contained within the footprint of a primary dwelling, as defined in Govt. Code section 65852.22. A building permit shall be ministerially approved for creation of any of the following, within a residential or mixed use zone:~~

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.

#### 69.05.3.8.1 ADU or JADU Within Existing Single-Family Structure

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 proposed space of a single-family dwelling, or 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 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. ~~If a non-habitable accessory building is converted to an ADU or JADU a Coastal Development Permit is required.~~ In addition to the detached accessory dwelling unit, one JADU is allowed on the lot, if the JADU is within a single-family 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 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.

### **87.1.4 69.05.4 Development Regulations and Standards, and Applicable Codes.**

The following development regulations and standards shall apply to all ~~second residential units~~ ADUs:

#### 87.1.4.1 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 ~~building site shall be shared in common with the proposed or existing primary residence. main dwelling unit. The residences share a common building site when they are located no further than thirty 300 feet from each other and when they share a common driveway. proposed or existing primary residence. Second residential units which cannot comply with these building site standards may be allowed with a Use Permit.~~ 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 ~~avoid prime soils to the maximum extent feasible, and 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.

~~87.1.4.3 Minimum Lot Size. A second residential unit may be constructed or placed on a lot substandard to the zone.~~

87.1.4.4 69.05.4.3 Total Floor Area.



The total floor area of any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less. 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.

#### 87.1.4.5 69.05.4.5 Development Standards: Setbacks

The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, including, but not limited to, standards for front, rear, and side yard setbacks, height, and lot coverage. 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.

87.1.4.6 Design Standards. The second dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. The height of the secondary dwelling unit shall not exceed the height of the principal unit by more than eight (8) feet.

#### 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 shall not apply if the ADU 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, 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.

87.1.4.8 69.05.4.8 Services.

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

87.1.4.9 69.05.4.9 Public Access.

~~Second~~ Accessory residential 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.

87.1.4.10 69.05.4.10 Visual Resources.

~~Second~~ Accessory residential 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.

87.1.4.11 69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

All development associated with ~~second~~ accessory residential dwelling units shall ~~be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the "string line method"~~ conform to the Natural Resources Protection Policies and Standards of the applicable Coastal Plan.

87.1.4.12 69.05.4.12 Agricultural Lands.

All development associated with ~~second~~ accessory residential dwelling units shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to ~~ongoing~~ the use of land for agriculturally related activities.

69.05.4.13 Timberlands.

All development associated with accessory dwelling units shall be sited so as to minimize impacts to timber related activities.

87.1.5 69.05.4.14 Accessory Dwelling Units ~~Second Dwelling Units~~ on Lots with Nonconforming Use or Structure.

~~Second dwelling units~~ Accessory dwelling units may be approved on lots with nonconforming uses, structures, or support facilities provided that no greater degree of nonconformity is created.

~~87.1.5.1 In the case of nonconformity due to use, the application can be processed consistent with the regulations for nonconforming uses in this Code;~~

~~87.1.5.2 In the case of nonconformity due to height or yard setbacks,~~

~~87.1.5.3 In the case of nonconformity due to County Code health provisions, all currently applicable County Code health provisions can be met;~~

~~87.1.5.4 In the case of nonconformity due to building codes, parking and road easements, encroachments and standards, all current applicable codes can be met, or substantially met to the extent that it is determined that no abnormal risk to health or safety will result from occupancy of the unit.~~

### **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 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.**

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 that may preclude construction of an ADU. An ADU may be prohibited or may require a Special Permit if 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; and
- (e) Proximity within 1,000 feet of a toxic cleanup site as designated by California Department of Toxic Substances.

On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions above, an ADU may be allowed with a Special Permit if 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 mitigated; and the ADU is consistent with all other applicable provisions of the Local Coastal Plan.

**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.

**69.05.8 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.

~~87.1.6 Existing Second Dwelling Units.~~

~~87.1.6.1 — A Special Permit may be approved by the Hearing Officer for a second dwelling unit which was constructed or partially constructed prior to March 13, 1984, on any lot~~

~~87.1.6.2 — The Hearing Officer may approve a Special Permit for the second dwelling unit, provided that:~~

~~87.1.6.2.1 — an inspection of the dwelling shall be made by the appropriate county official(s); and~~

~~87.1.6.2.2 — the Official(s) determine(s) that the requirements of the applicable County codes, including modification thereof, 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~~

~~87.1.6.2.3 — the dwelling otherwise conforms to the County Code. 87.1.7 — Waiver — of Density Standards. Applicable density standards shall be waived for secondary dwelling units in RS zones and RA zones which are planned and zoned for minimum parcel sizes of five acres or less. — (Former Section CZ#A314 31(G); Amended by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.8 Waiver of Maximum Floor Area. The maximum floor area requirement may be modified~~

~~or waived with a Special Permit where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314-31(H); Amended by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.9 Waiver of Building Site Standards. With a Special Permit, the requirement that the building site be shared in common may be modified or waived where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314-31(I); Added by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.10 — Waiver of Road Category 4 Access Standards. The requirement that the subject lot be served by a road that at a minimum meets the Road Category 4 standard, may be modified or waived with a Special Permit where the subject property is served by a road design equivalent to a Road Category 4 or better that is acceptable to the California Department of Forestry and Fire Protection and the Humboldt County Department of Public Works. (Former Section CZ#A314-31(J); Added by Ord. 2167, Sec. 30, 4/7/98)~~

~~87.1.11 — Required Findings. In addition to the findings required for all permits, the following applicable Residential Use findings shall also be made prior to the approval of a Coastal Development Permit or Special Permit for a second dwelling unit: “The second dwelling unit is subordinate to the principal residence and is compatible with the character of the neighborhood, and the development is consistent with LCP policies regarding maintenance of open space, retention of agriculture and timber lands, and the criteria of 87.1.4.8 — 87.1.4.12.~~

## 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double 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:**

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.

### **313-148 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike-out~~ and additions as double underlined text):

### **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 (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike-out~~ and additions as double underlined text):

### **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 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double 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

##### 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 (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, 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 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

#### 313-177 RESIDENTIAL USE TYPES

##### 177.05 Accessory Dwelling Unit.

##### ~~177.13 Second Residential Unit (Second/Secondary Dwelling Unit).~~

The Accessory Dwelling ~~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 household. (See Section 313-69.05; ~~Second Residential Unit~~ Accessory Dwelling Unit for regulations governing ~~second residential~~ accessory dwelling units.)

### 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

### 313-5 COMMERCIAL ZONE DISTRICTS

<a href="#">313-5.2</a>	<b>CR: Commercial Recreation</b>
	<b>Principal Permitted Use</b>
	Commercial Recreation Principal Permitted Use (See Section <a href="#">313-163.1.9</a> for description)
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential <u>Junior Accessory Dwelling Unit</u> 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 (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

#### 313-6 RESIDENTIAL ZONE DISTRICTS

##### 313-6.1 RS: RESIDENTIAL SINGLE FAMILY

<b>313-6.1 RS: Residential Single Family</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
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
<b>Maximum Lot Depth</b>	Three (3) times the lot width.	

<b>Maximum Density</b>	<p>One dwelling unit (1du) per lawfully created lot <del>or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit.</del> <u>plus one accessory dwelling unit(s), or one accessory dwelling unit and one junior accessory dwelling unit as described in 69.05.3.8.</u> Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located. 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>
<b>Minimum Yard Setbacks***</b>	
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.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; <u>Ancillary Residential</u> ; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group

**313-6.2 RM: RESIDENTIAL MULTI-FAMILY**

<b>313-6.2 RM: Residential Multi-Family</b>	
	<b>Principal Permitted Use</b>
	Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential <del>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.</del> 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.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	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

<b>313-6.3 R2: MIXED RESIDENTIAL</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
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.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks; Ancillary Residential. Only one dwelling per lot or manufactured home <u>per</u> 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

<b>313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
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
<b>Maximum Lot Depth</b>	Four (4) times the lot width.	
<b>Maximum Density</b>	<del>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.</del> <u>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.</u>	
<b>Minimum Yard Setbacks***</b>	<b>Minimum Lot Size Less Than 2.5 Acres</b>	<b>Minimum Lot Size 2.5 Acres or Greater</b>
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.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%)	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached; <u>Ancillary Residential</u>	
	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 (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike-out~~ and additions as double underlined text):

**313-7 Resource Use Regulations**

313-7.1 AE: Agriculture Exclusive

<b>313-7.1 AE: Agriculture Exclusive</b>	
<b>Principal Permitted Use</b>	
Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)	
<b>Use Type</b>	<b>Conditionally Permitted Use</b>



Residential Use Types	<p>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>)</p>
Civic Use Types	<p>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</p>
Industrial Use Types*	<p>Aquaculture, allowed within non-prime agricultural lands only  Cottage Industry; subject to the Cottage Industry Regulations</p>
Agricultural Use Types	<p>Hog Farming  Feed Lots/Slaughter House  Kennels  Agriculture-Related Recreation  Intensive Agriculture</p>
Extractive Use Types	<p>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</p>
Natural Resource Use Types	<p>Fish and Wildlife Management  Watershed Management  Wetland Restoration  Resource-Related Recreation  Coastal Access Facilities</p>
Use Types Not Listed in This Table**	<p>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.</p>

313-7.2 TC: Commercial Timber

<b>313-7.2 TC: Commercial Timber</b>	
<b>Principal Permitted Use</b>	
Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)	
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	<del>Single Family Residential.</del> A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit.</u>
Civic Use Types	<p>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</p>

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.
<b>Use Type</b>	<b>Compatible Uses Permitted with a Special Permit</b>
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

<b>313-7.3 TPZ: Timberland Production Zone</b>	
<b>Principal Permitted Use</b>	
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)	
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	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.
<b>Use Type</b>	<b>Compatible Uses Permitted with a Special Permit</b>
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 immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_  
Virginia Bass, Chair  
Board of Supervisors of the County of Humboldt,  
State of California

(SEAL)

ATTEST:  
Kathy Hayes  
Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

\_\_\_\_\_  
By: Ryan Sharp, Deputy

April 8, 2020

Mary Milner, Senior Planner  
Humboldt County Planning & Building Dept.  
3015 H Street  
Eureka, CA 95501

RE: Commission staff comments on proposed draft Accessory Dwelling Unit (ADU) regulations in the coastal zone, including proposed changes to the six coastal land use plans (LUPs) and the coastal zoning regulations (CZR)

Dear Ms. Milner:

Thank you for soliciting feedback from the California Coastal Commission (Commission) on the County's draft ADU regulations for the coastal zone. We received the referral from the County on October 18, 2019. We have been coordinating with County staff on a regular basis since that time, during monthly coordination meetings, about some of the issues addressed in this comment letter. We understand that the County staff has been revising its draft ADU regulations over the past several months in response to new state ADU laws and other input received on the draft. As such, the intent of these comments is to broadly identify key issues raised by the (October 2019 version of the) draft regulations. We could, if desired, provide additional comments and edits to the County on the draft regulations in a "track-changes" document format. We would suggest, however, that for the additional detailed comments and edits, it may be more efficient, and useful for the County, for us to work from a current version of the draft regulations that reflects and is consistent with the current state laws on ADUs, including those that have been enacted over the past several months (since referral of the October 2019 draft ADU regulations). Please let us know if you would like our additional detailed comments, and if so, please provide an electronic version of an up-to-date draft.

As you continue to develop the draft ADU regulations for the coastal zone, please consider the following comments. Also, please keep in mind that the standard of review that the Commission will apply to any proposed changes to the LUPs will be consistency of the proposed changes with the chapter 3 policies of the Coastal Act, and the standard of review for any proposed changes to the CZR will be conformity with, and adequacy to implement, the LUP(s) as amended.

### **1. Proposed Allowance of ADUs on Agricultural Lands**

Under the County's existing certified LCP, including all the LUPs and the CZR, ADUs (called Second Residential Units in the existing LCP) generally are not allowed on agricultural lands except on lots greater than 60 acres in size. Moreover, a single-family residence may only be developed on agricultural land if it is incidental to the principal use of the property for agriculture. As such, the "incidental" dwelling itself constitutes a type of

agricultural use (a farm dwelling). The existing LCP allows for a second dwelling to be developed on agricultural land only in limited circumstances – i.e., only for a parent or child of the farm owner/operator and only on lots at least 60 acres in size. The minimum lot size requirement incentivizes the retention (and perhaps creation via merger) of larger agricultural lots and discourages farmers from dividing agricultural lots. This approach to dwellings on farmland is consistent with the approach the Commission has consistently taken in recent decades on past permit and LCP actions statewide to protect agricultural lands from impermissible conversions of the land to non-agricultural uses (e.g., to non-farm dwelling residential uses).

Under the proposed LCP changes, it appears that ADUs would be allowed on agricultural lands in all cases (proposed section 313-87.1.2 and 87.1.3.1), regardless of whether the ADU constitutes a farm-related structure and is consistent with the agricultural land conversion criteria of the Coastal Act and certified LCP. To ensure consistency with the Coastal Act policies that protect agricultural lands and prohibit the conversion of agricultural lands to non-agricultural uses (e.g., sections 30250(a), 30241, and 30242, each of which is codified as a policy in the LUPs), including non-farm dwelling residential uses, consider adding provisions (e.g., to proposed sec. 87.1.3, or perhaps to 87.1.4.12) to clarify that dwellings on agricultural lands must be limited to farm dwellings and incidental to the principal agricultural use of the property. The County might consider the concept of prioritizing ADUs on agricultural lands for farm employee housing.

In addition, we recommend requiring that ADUs on agricultural land be developed in a manner that maintains the maximum amount of agricultural land in agricultural production (e.g., requirements to cluster structures, protect prime soils, and restrict the size of development/curtilage areas). We note that proposed section 87.1.4.2 limits the curtilage area for residences, ADUs, and associated residential accessory structures on AE lands to two acres per parcel and, where feasible, requires structures to be in the area of lowest agricultural productivity. While we appreciate inclusion of these restrictions, we are concerned that (a) the two-acre allowance may be overly large maximize the amount of resource land to be maintained in resource production, and (b) these allowances would not adequately protect smaller-sized resource land parcels. Perhaps adding a maximum percentage of parcel size vs. prescribed maximum acreage, whichever is smaller, would better maintain agricultural land on smaller parcels. We also note and appreciate that section 87.1.4.12 would prohibit ADUs on prime agricultural soils and require siting to minimize impacts to agricultural activities. We suggest strengthening this standard to require siting to minimize impacts to agricultural activities not just on prime agricultural lands, but on all lands suitable for agricultural use. In addition, consider adding requirements to cluster ADU development with existing structures on the property, perhaps with a maximum separation distance between buildings to minimize encroachment onto land that would be suitable for grazing or crop production. As mentioned above, consider also supplementing this section to clarify that dwellings on agricultural lands, including ADUs, must be limited to farm dwellings and incidental to the principal agricultural use of the property.

## 2. Proposed Allowance of ADUs on Timberlands

Under the existing certified LCP, ADUs are not allowed on timberlands. Similar to its treatment of agricultural lands, the certified LCP requires that a single-family residence on timberland may only be developed if it is incidental to the principal use of the property for timber production. This approach is consistent with the approach the Commission has consistently taken in past permit and LCP actions statewide to protect timberlands from their division into units of noncommercial size or to other (non-timber production) uses.

Consideration should be given as to whether development of an ADU with fire-safe clearing around the ADU on timberland would interfere with the use of the remainder of the parcel for commercial timber operations. Consider adding requirements (e.g., similar to 87.1.4.12 for agricultural lands) to ensure that the long-term productivity of soils and timberlands are protected (consistent with Coastal Act section 30243) and that any ADU developed on timberland is compatible with timber production uses.

As discussed above, we note that proposed section 87.1.4.2 limits the curtilage area for residences, ADUs, and associated residential accessory structures on TPZ and AE lands to two acres per parcel. Consider applying these restrictions to TC-zoned lands, applying further limitations to smaller-sized resource land parcels, and including specific standards to this section for protecting timberlands as there are for agricultural lands (i.e., "...where feasible, shall be located in the area of lowest agricultural productivity").

## 3. ADUs and Categorical Exclusion Order E-86-4

Categorical Exclusion Order (Order) E-86-4, approved by the Commission in 1986, allows for the exclusion from coastal development permit (CDP) requirements of certain categories of development in certain mapped areas of the County. One of the categories of development covered by the Order is Single Family Dwellings, including the following (emphasis added):

The construction, reconstruction, demolition, repair, maintenance, alteration, or addition to any single family dwelling or accessory building, on a legally created lot, and after review and approval of the required geologic reports in hazardous areas as required by the County's Local Coastal Program...

The exclusion only applies in specific mapped areas approved by the Commission, which include (in general) portions of Myrtle town, McKinleyville, Manila, Pine Hill, Humboldt Hill, Fields Landing, Loleta, and Shelter Cove. Even within these areas, the exclusion does not apply (a) where a discretionary permit is required, (b) in areas where development is subject to archaeological resource area regulations (e.g., portions of Manila), (c) within the Commission's retained CDP or appeal jurisdiction, (d) under certain specified circumstances in Shelter Cove, or (e) within 200 feet of a coastal stream or wetland.

We ask the County to please consider and clarify the relationship between the proposed ADU regulations and coverage under the Order of residential "accessory buildings." We note that the proposed ADU regulations include adding a new definition for "Accessory Dwelling Unit" to sec. 313-136 of the CZR. The new definition overlaps in part with the

existing CZR definition for “accessory building” (sec. 313-137). Would a residential “accessory building” that qualifies for coverage under the Order and which functions as an ADU be required to comply with the new ADU regulations and standards?

#### 4. Other Considerations and Recommendations

- Working from the Currently Certified Text. In drafting changes to the LCP for the proposed new ADU regulations, please ensure that you are working from existing certified LCP text. We believe there are discrepancies between the version of text the County is proposing to amend (the version of text shown as “existing” in the October 2019 referral) and the version on file with the Commission deemed certified. We will provide a copy of the certified LCP text under separate cover that highlights noted discrepancies.
- Internal Consistency. We noted instances where proposed LCP changes conflict with or duplicate existing text. For example, as noted above, the existing CZR includes a definition (“accessory building”) that in part overlaps with a proposed new CZR definition (“Accessory Dwelling Unit”). Please ensure that the proposed new regulations are internally consistent with other LCP policies and text.
- Provisions for the Ministerial Approval Process. Proposed section 87.1.2.1 states in part that “A Coastal Development Permit (CDP) may be required...The Coastal Act still applies except that public hearings are not required for CDP applications for accessory dwelling units.” To implement the process for issuance of CDPs with no public hearing, we recommend that the County add provisions to CZR chapter 2 related to “Processing Applications for Permits and Variances” (sec. 312-6). While sec. 312-9.2 of the existing certified CZR species procedures for waiving public hearings, currently it only addresses public hearing waivers for CDPs in cases where the development is not appealable to the Commission; the section does not include provisions for waiving the public hearing requirement for CDPs in cases where the development is appealable to the Commission. We suggest adding provisions for waiving local public hearing requirements for CDPs specifically for the development of ADUs in appealable areas. The added provisions should include requirements for public notice prior to action to allow interested members of the public an opportunity to submit comments and establish standing for appeals to the Commission. Noticing requirements may conform with those typically applied to non-appealable development that does not require a public hearing, as outlined in §13568(b) of the Commission’s administrative regulations. Please also ensure that the added provisions are consistent with current state law regarding ministerial approvals not requiring a local public hearing, as summarized in the March 2020 (draft) memorandum to Planning Directors from the Commission Executive Director (attached).
- Provisions for Junior ADUs. Under state law, a junior ADUs (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. The County’s proposed ADU

regulations do not include separate standards and definitions for JADUs as they do for tiny houses and moveable tiny houses. Consider adding provisions that specifically address JADUs. We note that section 87.1.3.9 addresses ADUs within the existing space of a primary residence or existing accessory structure. We suggest adding clarification that any conversion of existing non-habitable space (e.g., a garage) to habitable space, or any improvements such as additional bedrooms that increase the density and/or intensity of use constitutes “development.” It may be that in some cases conversion of existing habitable space within a primary residence into a JADU would not meet the definition of “development” (e.g., if the improvements qualify as exempt under Coastal Act section 30610(a) or (d) and the corresponding regulations), whereas in other instances the conversion of space to a JADU may involve “development” (e.g., converting a living room to a bedroom may trigger the need for septic system improvements that would not be exempt from CDP requirements even if the conversion itself doesn’t constitute “development”).

- Restricting Vacation Rentals on Lots with ADUs. We note that proposed section 87.1.3.4 is included to prevent ADUs from being used as vacation rentals. To achieve the state and local housing goals of increasing the availability of housing, and potentially affordable housing, consider whether it may be appropriate to go a step further and also prohibit the primary residence on a property from being used for short-term lodging on lots that are developed both with a primary residence and ADU. While there is no Coastal Act policy that would require this, Coastal Act section 30604(f) and (g) direct the Commission to encourage housing opportunities for persons of low and moderate income (unless there is a Chapter 3 inconsistency). The Coastal Act also has several policies that protect lower cost visitor serving facilities, and short-term rentals may fall into that category. The County should decide how it wants to balance these issues.
- ADUs on Lots with Nonconforming Use or Structure. The County is proposing to delete entirely, rather than modify, the existing CZR second dwelling unit regulations related to lots with nonconforming uses or structures (sec. 87.1.5). Consider retaining (and modifying) this section, rather than deleting it outright. Current state ADU law allows a local government, in its consideration of ADU applications, to prevent the degree of nonconformity from increasing, though a local government cannot, as a condition of approval of an ADU, require correction of nonconforming zoning conditions. We think it would be important for the County to maintain its ability to prevent an increase in the degree of nonconformity for ADUs on lots with nonconforming uses or structures.
- ADU Special Permit Area. The draft regulations propose that ADUs located in certain mapped areas will be subject to special review (Special Permit process). We appreciate that additional discretionary review will be required for ADU development in the areas listed in 87.1.6(a)-(j) and suggest that it may not be possible to map all such areas. Thus, the mapping should be used as a general guide to where the SP areas may be located, but it should be made clear that there may be areas subject



to the SP process that fall within the identified categories that don't appear on the maps.

We understand the difficulty of harmonizing the new ADU requirements with Coastal Act and LCP policies, and we greatly appreciate the County's efforts to prepare the draft ADU regulations. If desired, we would welcome any additional opportunity for input prior to adoption of any proposed LCP changes by your Board. As noted above, once the County staff has drafted an updated version of the proposed amendments to conform with the recent ADU legislation, address our comments herein, and make any other changes the County wishes to incorporate, we would be happy to review the updated version and provide (timely and) more detailed comments, including recommendations for specific language changes. Please feel free to call or email with any questions or to schedule a (phone or video conference) meeting to discuss these comments.

Sincerely,

Melissa B. Kraemer

A handwritten signature in black ink that reads "Melissa B. Kraemer". The signature is written in a cursive, flowing style with a large, prominent "M" and "K".

Supervising Analyst

Att. March 2020 (draft) memo to Planning Directors re: Implementation of New ADU Laws (Note: the draft memo was published and discussed at the Commission's March 2020 public hearing. A final version soon will be finalized and circulated to planning directors).

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
FAX (415) 904-5400

**W7c**

March 9, 2020

To: Planning Directors of Coastal Cities and Counties

From: John Ainsworth, Executive Director

Re: Implementation of New ADU Laws

The Coastal Commission has previously circulated two memos to help local governments understand how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). As of January 1, 2020, AB 68, AB 587, AB 670, AB 881, and SB 13 each changed requirements on how local governments can and cannot regulate ADUs and JADUs, with the goal of increasing statewide availability of smaller, more affordable housing units. This memo is meant to describe the changes that went into effect on January 1, 2020, and to provide guidance on how to harmonize these new requirements with Local Coastal Program (“LCP”) and Coastal Act policies.

**Coastal Commission Authority Over Housing in the Coastal Zone**

The Coastal Act does not exempt local governments from complying with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.

This memorandum is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific

circumstances not addressed in this memorandum should contact the appropriate district office of the Commission.

## **Overview of New Legislation**<sup>1</sup>

The new legislation effective January 1, 2020 updates existing Government Code Sections 65852.2 and 65852.22 concerning local government procedures for review and approval of ADUs and JADUs. As before, local governments have the discretion to adopt an ADU ordinance that is consistent with state requirements. (Gov. Code § 65852.2(a).) AB 881 (Bloom) made numerous significant changes to Government Code section 65852.2. In their ADU ordinances, local governments may still include specific requirements addressing issues such as design guidelines and protection of historic structures. However, per the recent state law changes, a local ordinance may not require a minimum lot size, owner occupancy of an ADU, fire sprinklers if such sprinklers are not required in the primary dwelling, or replacement offstreet parking for carports or garages demolished to construct ADUs. In addition, a local government may not establish a maximum size for an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code § 65852.2(c)(2)(B).) Section 65852.2(a) lists additional mandates for local governments that choose to adopt an ADU ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).)

Some local governments have already adopted ADU ordinances. Existing or new ADU ordinances that do *not* meet the requirements of the new legislation are null and void, and will be substituted with the provisions of Section 65852.2(a) until the government comes into compliance with a new ordinance. (Gov. Code § 65852.2(a)(4).) However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. One major change to Section 65852.2 is that the California Department of Housing and Community Development (“HCD”) now has an oversight and approval role to ensure that local ADU ordinances are consistent with state law, similar to the Commission’s review of LCPs. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h).)

If a local government does *not* adopt an ADU ordinance, state requirements will apply directly. (Gov. Code § 65852.2(b)–(e).) Section 65852.2 subdivisions (b) and (c) require that local agencies shall ministerially approve or disapprove applications for permits to create ADUs. Subdivision (e) requires ministerial approval, whether or not a local government has adopted an ADU ordinance, of applications for building permits<sup>1</sup> of the following types of ADUs and JADUs in residential or mixed use zones:

<sup>1</sup> This DRAFT Guidance Memo only provides a partial overview of new legislation related to ADUs. The Coastal Commission does not interpret or implement these new laws.

- One ADU or JADU per lot *within* a proposed or existing single-family dwelling or existing space of a single-family dwelling or accessory structure, including an expansion of up to 150 square feet beyond the existing dimensions of an existing accessory structure; with exterior access from the proposed or existing single-family dwelling; side and rear setbacks sufficient for fire and safety; and, if a JADU, applicant must comply with requirements of Section 65852.22; (§ 65852.2(e)(1)(A)(i)-(iv))
- One detached, new construction ADU, which may be combined with a JADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for the single family residential lot; (§ 65852.2(e)(1)(B))
- Multiple ADUs within the portions of existing multifamily dwelling structures that are not currently used as dwelling spaces; (§ 65852.2(e)(1)(C))
- No more than two detached ADUs on a lot that has an existing multifamily dwelling, subject to a 16-foot height limitation and four-foot rear yard and side setbacks. (§ 65852.2(e)(1)(D))

ADUs and JADUs created pursuant to Subdivision (e) must be rented for terms greater than 30 days. (Gov. Code § 65852.2(e)(4).)

### **What Should Local Governments in the Coastal Zone Do?**

#### **1) Update Local Coastal Programs (LCPs)**

Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act. Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, those LCPs should be updated to be consistent with the new ADU provisions to the greatest extent feasible, while still complying with Coastal Act requirements.

As noted above, Section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources. As a result, we encourage local governments to identify the coastal resource context applicable in a local jurisdiction and ensure that any proposed ADU-related LCP amendment appropriately addresses protection of coastal resources consistent with the Coastal Act at the same time that it facilitates ADUs/JADUs consistent with the new ADU provisions. For example, LCPs should ensure that new ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas, or in areas where the ADU's structural stability may be compromised by bluff erosion or wave uprush over their lifetime. Our staff is available to assist in the efforts to amend LCPs.

Please note that LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impacts on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.) The Commission will process ADU-specific LCP amendments as minor or de minimis amendments whenever possible.

## **2) Follow This Basic Guide When Reviewing ADU or JADU Applications**

### **a. Check Prior CDP History for the Site.**

Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP limits the applicant's ability to apply for an ADU or JADU.

### **b. Determine Whether the Proposed ADU or JADU Qualifies as Development.**

Any person "wishing to perform or undertake any development in the coastal zone" shall obtain a CDP. (Pub. Res. Code § 30600.) Development as defined in the Coastal Act includes not only "the placement or erection of any solid material or structure" on land, but also "change in the density or intensity of use of land[.]" (Pub. Res. Code § 30106.) Government Code section 65852.2 states that an ADU that conforms to subdivision (a) "shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot." (Gov. Code § 65852.2(a)(8).)

Minor changes to an existing legally established residential structure that do not involve the removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610), see also below. JADUs created within existing primary dwelling structures that comply with Government Code Sections 65852.2(e) and 65852.22 typically will fall into one of these categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. However, the conversion of detached structures associated with a primary residence to an ADU or JADU may involve a change in the size or intensity of use that would qualify as development under the Coastal Act and require a coastal development permit, unless determined to be exempt or appropriate for waiver.

c. If the Proposed ADU Qualifies as Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Commission's regulations. (Pub. Res. Code § 30610(a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250(b)(6).)

Typically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and "self-contained residential units," i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)

d. If the Proposed ADU is Not Exempt from CDP Requirements, Determine Whether a CDP Waiver Is Appropriate.

If the LCP includes a waiver provision, and the proposed ADU or JADU meets the criteria for a CDP waiver the local government may waive the permit requirement for the proposed ADU or JADU. The Commission generally has allowed a waiver for proposed *detached* ADUs if the executive director determines that the proposed ADU is de minimis development, involving no potential for any adverse effects on coastal resources and is consistent with Chapter 3 policies. (See Pub. Res. Code § 30624.7.)

Some LCPs do not allow for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

e. If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency with Certified LCP Requirements.

If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government then must provide the required public notice for any CDP applications for ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law if feasible. Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the ADU

qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

### **Information on AB 68, AB 587, AB 670, and SB 13**

#### **JADUs – AB 68 (Ting)**

JADUs are units of 500 square feet or less, contained entirely within a single-family residence or existing accessory structure. (Gov. Code §§ 65852.2(e)(1)(A)(i) and 65852.22(h)(1).) AB 68 (Ting) made several changes to Government Code section 65852.22, most notably regarding the creation of JADUs pursuant to a local government ordinance. Where a local government has adopted a JADU ordinance, “[t]he ordinance may require a permit to be obtained for the creation of a [JADU].” (Gov. Code § 65852.22(a).) If a local government adopts a JADU ordinance, a maximum of one JADU shall be allowed on a lot zoned for single-family residences, whether they be proposed or existing single-family residences. (Gov. Code § 65852.22(a)(1).) (This formerly only applied to *existing* single-family residences. Now, proposals for a new single-family residence can include a JADU.) Efficiency kitchens are no longer required to have sinks, but still must include a cooking facility with a food preparation counter and storage cabinets of reasonable size relative to the space. (Gov. Code § 65852.22(a)(6).) Applications for permits pursuant to Section 65852.22 shall be considered ministerially, within 60 days, if there is an existing single-family residence on the lot. (Gov. Code § 65852.22(c).) (Formerly, complete applications were to be acted upon within 120 days.)

If a local government has *not* adopted a JADU ordinance pursuant to Section 65852.22, the local government is required to ministerially approve building permit applications for JADUs within a residential or mixed-use zone pursuant to Section 65852.2(e)(1)(A). (Gov. Code § 65852.22(g).) That section is detailed in bullet points on pages two-three of this memorandum and refers to specific ADU and JADU approval scenarios.

#### **Sale or Conveyance of ADUs Separately from Primary Residence – AB 587 (Friedman)**

AB 587 (Friedman) added Section 65852.26 to the Government Code to allow a local government to, by ordinance, allow the conveyance or sale of an ADU separately from a primary residence if several specific conditions all apply. (Gov. Code § 65852.26.) This section only applies to a property built or developed by a qualified nonprofit corporation, which holds enforceable deed restrictions related to affordability and resale to qualified low-income buyers, and holds the property pursuant to a recorded tenancy in common agreement. Please review Government Code Section 65852.26 if such conditions apply.

### **Covenants and Deed Restrictions Null and Void – AB 670 (Friedman)**

AB 670 added Section 4751 to the California Civil Code, making void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.

### **Delayed Enforcement of Notice to Correct a Violation – SB 13 (Wieckowski)**

SB 13 (Wieckowski) Section 3 added Section 17980.12 to the Health and Safety Code. The owner of an ADU who receives a notice to correct a violation can request a delay in enforcement, if the ADU was built before January 1, 2020, or if the ADU was built after January 1, 2020, but the jurisdiction did not have a compliant ordinance at the time the request to fix the violation was made. (Health & Saf. Code § 17980.12.) The owner can request a delay of five (5) years on the basis that correcting the violation is not necessary to protect health and safety. (Health & Saf. Code § 17980.12(a)(2).)



April 5, 2021

Mary Milner, Senior Planner  
Humboldt County Planning & Building Dept.  
3015 H Street  
Eureka, CA 95501

RE: Additional follow-up information requested for Local Coastal Program Amendment (LCPA) Application No. LCP-1-HUM-20-0090-1 proposing amendments to six coastal Land Use Plans (LUPs) and the Implementation Plan (IP) to update regulations for Accessory Dwelling Unit (ADUs) in the Humboldt County unincorporated coastal zone.

Dear Ms. Milner:

Thank you for the County staff's submittal on March 19<sup>th</sup> of additional materials related to the above-referenced LCPA regarding accessory dwelling units (ADUs). The materials were submitted in response to questions and information outlined in our January 6, 2021 letter to the County related to information necessary to file the application in conformance with Coastal Act sec. 30510(b) and associated implementing regulations (14 CCR sec. 13551 et seq.).

We greatly appreciate the County staff's willingness to collaborate with Commission staff on the proposed LCPA application, both prior to its adoption by your Board last year as well as since submittal of the LCPA application in December 2020, as your most recent submittal confirms that the County intends to adopt changes to the regulations transmitted under the original LCPA application both to address recent updates to state ADU regulations as well as to address various issues identified by Commission staff with the currently adopted version of the proposed regulations. This collaborative approach has significantly narrowed the number of issues related to conformance of the proposed amendments with the Coastal Act and certified LCP that might otherwise need to be addressed by our Commission as suggested modifications.

One of the main issues raised by the proposed regulations in general that differs from most of the other ADU regulations that have been certified in coastal cities and counties elsewhere in the state relates to the County's proposal to allow ADUs on resource lands (agricultural and timberlands) without discretionary review. This issue, combined with the complexity of specific changes proposed under each of the six separate and varied LUPs, has resulted in a fairly complex LCPA that Commission staff (including management and legal staff) are continuing to actively review, including with the suggested changes ("friendly modifications") proposed by County staff in March 2021. Our intent is to provide further input for consideration prior to your Board adopting updates to the coastal ADU regulations. Below is a list of the information needed to file the LCPA application and assist us in expediting the application process after the County adopts and transmits the updated regulations for certification by the Commission:

1. **Updated Copy of Proposed Regulations Relative to Existing Certified Text.** In the County's most recent submittal, the County helpfully included a version of text amendments (LUPs and CZR) being considered by County staff at this time that differ from the version adopted by your Board and transmitted to us for certification in December 2020. Please provide a version of the new regulations ultimately adopted by your Board that are compared against the currently certified version of the LCP (i.e., strike-out and underline to differentiate from existing regs vs. regs ultimately adopted; you can leave out text changes for interim regulations that are no longer going to be under consideration).
2. **Resolutions and Ordinance Adopting and Transmitting Updated Text Amendments.** When the County adopts updated regulations to supersede those that were previously transmitted for certification, please include appropriate resolutions adopting and transmitting the proposed LUP text amendments for certification and, if applicable, a new ordinance to replace Ordinance 2651. Please be sure the resolution of submittal withdraws the previously transmitted Ordinance 2651 in its entirety or withdraws specific identified sections of the previously transmitted ordinance. If you would like us to review draft resolutions/ordinances prior to adoption let us know.
3. **Suggestions and Clarifications Related to Latest Version of Proposed Regulations.** We have reviewed the proposed updated regulations and list below some initial clarifications and further suggestions:
  - a. LUP Timberland policy suggested changes. In the most recent set of changes proposed to the policies related to timberlands in the various LUPs, the County proposes, for all LUPs, that one single family dwelling unit plus one ADU may be allowed on timberlands. For all LUPs, the subject timberland policy references the applicable section of the CZR related to ADUs to specify that the ADU would be subject to the limitations of the cited code section. A further suggestion we offer related to these LUPs sections that the County may want to consider is as follows: Rather than broadly reference the CZR code section on ADUs that's applicable to timberlands (i.e., the reference to 313-69.05), instead, or perhaps in addition to referencing 69.05, we suggest that the LUP policies reference the relevant timberland protection standards from the CZR, in general, with which an ADU on timberlands as allowed under the LUP. For example, proposed CZR section 69.05.4.2 has restrictions on building sites that are protective of timberlands which are not currently included in existing or proposed LUP policies that the County could add to the LUP timberland policies proposed for amendments under the various LUPs (e.g., "In areas zoned TPZ, TC, or AE, the curtilage area for residences, ADUs, associated residential structures, driveways, and utilities shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller" and "Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size" could be added to HBAP sec. 3.23-B-1(e) and equivalent policies in the other LUPs).

The reason why we suggest adding this additional language to the LUP policies relates to the requirements of section 30243. If those protective standards from 69.05 only are in the CZR and not also in the LUPs, in the future, the County could choose to

amend only its CZR in a manner that would delete certain coastal resource protections, such as those protective of timberlands cited above. Because the standard of review for an IP amendment is consistency with the LUPs, it's conceivable that the proposed IPA in that case would be consistent with the LUPs since the IP in this case is more protective of timberlands than the LUP with respect to ADU development, rather than the other way around.

- b. Clarification on JADUs on Timberlands. Please clarify whether JADUs are allowed on timberlands under the updated regulations as proposed to be adopted. On a related matter, please clarify why the uses identified in the land use designation chapters of the various LUPs for CR lands identified JADUs as an allowed conditional use whereas such a specification of JADU allowance is not made for other land use designations, such as TC.
- c. Clarification on ADUs on prime ag land and related LUP changes. In the land use designation chapters of the various LUPs, in some cases, some types of agricultural land use designations prohibit the allowance of an ADU on prime ag soil (e.g., the AE designation in the HBAP), while the same prohibition is not specified for other types of agricultural land use designations (e.g., the AG and AEG designations in the HBAP). Please clarify why the prohibition on siting ADUs on prime ag soil is specified for some types of agricultural land use designations but not others. With the upcoming changes to the ADU text amendments that will soon be scheduled for adoption by your Board, consider adding the restrictions under sec. 69.05.4.12 to the appropriate LUP agricultural policies proposed for amendments and/or to all the agricultural related land use designations.
- d. Clarification on LUP agricultural policy changes. Changes proposed to HBAP sec. 3.24-B-2(a) and similar policies in the various other LUPs related to the allowance of an ADU instead of a second house on lots 60 acres or larger in size. Aside from this proposed change to the LUP agricultural policies, there are no other changes to the agricultural policies of the various LUPs related to the allowance of ADUs on agricultural lands (other than the changes to the land use designations to allow ADUs as a principal use on ag lands). Is it the County's intent that ADUs be allowed on all agricultural lands with an existing residence, or just on agricultural lands that are at least 60 acres in size? Consider further changes to the LUP agricultural policies to clarify and also to ensure that the protective standards from sec. 69.05 related to protection of prime soils and other ag land protections are in the LUPs and not just in the CZR for the reasons specified in item 3-a above.

As mentioned above, we will continue to review the latest suggested changes proposed by County staff in March with the intent of providing further input for consideration prior to your Board adopting updates to the ADU regulations. We hope to provide further input soon. In the meantime, please contact me with any questions in the meantime.

Sincerely,

A handwritten signature in black ink that reads "Melissa B. Kraemer". The signature is written in a cursive style with a large, stylized initial "M".

Melissa B. Kraemer  
Supervising Analyst

## SUPPLEMENTAL INFORMATION No. 1

For Planning Commission Agenda of:  
May 6, 202

<input type="checkbox"/>	Administrative Agenda Item	}
<input type="checkbox"/>	Continued Hearing Item	} [ G1 ]
<input checked="" type="checkbox"/>	New Hearing Item	}
<input type="checkbox"/>	Old Business Item	}
<input type="checkbox"/>	New Business Item	}

Attached for the Planning Commission's record and review are the following supplementary information items:

1. Public comment – email Chip Tittmann, received by email May 5, 2021.

RE: Chip's Poopinon.....May 1, 2021

- \*What part of DRAUGHT does the public, the Humboldt County Health Department and the Board of Supervisors not understand?
- \*Mendocino, Sonoma Counties and much of California are already in serious DRAUGHT.
- \*Humboldt County will be also in DRAUGHT conditions soon.
- \*Saving water should be our first and most important issue to address.
- \*Flushing our human waste with pure water is antiquated and unnecessary.
- \*Urine is sterile and nutrient rich. It should not be discarded using 5 (or even 1 ½ ) gallons of potable drinking water. Waterless urinals already exist and are licensed all over the world.
- \*Humanure can be safely and hygienically recycled. Composting toilets are commercially available and used widely.
- \* Any land use and housing ordinance discussion should start with SAVING WATER in these times of DRAUGHT.

Following are my comments regarding the proposed Humboldt County ordinance covering Accessory Dwelling Unit (ADU) Ordinance.

\*In an era of growing awareness of the need to save and reuse water, our governments should be encouraging the water saving, nutrient recycling and safe usage of all our human wastes into fertilizer. Human fertilizer needs to be considered in the list of discussion items. It has been part of human practices for thousands of years. The end product is a valuable resource that should not just be "flushed down the toilet". Besides providing a soil fertilizer, composting toilets reduce water usage as draught conditions continue to be the normal.

\*The County rules for On-site Water Treatment Systems (OWTS) need to also include all kinds of greywater, pit privies, out-houses, urine diverters, dry compost and waterless toilets to be used in all ADU's including: Tiny Homes, In-law units, second homes on one property and remote cabins

\* We propose:

\*Self enrollment: An easy, simple, one page form for filing the intent to use OSWT with plot plan, simple mechanical drawing of unit and harvest schedule along with agreement to :

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\*self monitor: keep a log of activities every 6 month with pictures

\*self certification: every year complete a log and file with local oversight organization (VFD, Independent sub-contractor or health department approved agent)

\*Community oversight: by local VFD, Soils Engineer, approved agent or equal organization

\*County enforcement: after a community oversight grievance report has been filed.

\*Self-monitoring of systems should be a simple process, not one involving expensive and egregious permitting, testing and engineering, but rather careful education of the public. Saving water during these DRAUGHT times should be our first goal. Public education encouraging simplicity in permitting and allowing individual responsibility needs to be emphasized and encouraged. Saving water through the use of composting toilets and urine diverters can be done safely without allowing for public or environmental exposure to pathogens.

\*Asking the public to have an engineered septic system along with a waterless toilet system (which is the current ordinance mandate) is like asking off-grid solar, water or wind power users to be plugged into the power grid before they can produce their own power.

\*Grandfathering and retroactive approval of existing systems needs to be addressed. Many greywater and alternative waste systems have been used safely and successfully for decades. Section 615.3 (5) of the Humboldt County Code does mention "systems before January 1, 1984 may be approved". This authority could be extended. I recommend it be at the date these ADU ordinances are enacted, not attempting to retroactively police what already exists. Deal with issues going forward rather than discipline those that were not permitted earlier, especially since there has been no easy protocol to get permits for such systems to date.

\*Consider and allow for different parcel sizes, sites, geologies and soil types, rather than make the regulations countywide with no flexibility and "one size fits all".

\*It is well known that federal parks, state parks and other governmental agencies have used and approved waterless toilet systems all over the globe. How have they been able to balance public health concerns while

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allowing these non standard systems to exist? Those examples need to be studied and included in the ordinance for not only ADU's but all housing.

\*Before any further acceptance of this ADU ordinance we need more public input in the way of education, public meetings, and PR campaigns about healthy handling of our waste streams, septic system vulnerability and the advantages of greywater

systems and composting and dry toilets. We do not have to exclusively rely on public sewer systems and septic systems; there are alternatives and composting toilet utilization should be one of them. Humboldt County should be leading the charge to saving water, saving energy and recycling nutrients, especially in DRAUGHT conditions.

\*Please insure that there is sufficient public input through workshops, committee appointments that include public stakeholders and more written public testimonies that would enable the Health Department to further craft a water saving program that meets both public safety standards and the public's preferences.

Thank you, Chip Tittmann, P.O. 49, Miranda, California 95553