

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

RESOLUTION NO. 21-69 of the Board of Supervisors of the County of Humboldt CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING FINDINGS OF FACT CONCERNING AMENDMENTS TO THE INLAND ZONING AND BUILDING REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS.

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

WHEREAS, on September 1, 2020 the Board of Supervisors adopted the Inland Accessory Dwelling Unit Ordinance No. 2650 and the 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 their 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 seek to 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 Planning Division prepared and made available to the public the draft text amendments to the Inland Accessory Dwelling Unit ordinance and the building code; and has made drafts of the proposed amendments available on the County’s webpage at <https://humboldt.gov/2448/2019-Housing-Element>; 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 and Building Text Amendments regarding accessory dwelling units; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed Inland Accessory Dwelling Unit Zoning and Building Code Amendments 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, at the above meeting, Humboldt County Planning Commission adopted Resolution 20-78 making all the required findings and recommending 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 2678 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 2 of the staff report.
4. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

WHEREAS, on July 13, 2021 the Board of Supervisors held a public hearing on the proposed text amendments to the Inland Zoning and Building Regulations, received public comments, and reviewed and considered all public testimony and evidence presented at the hearing;

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Humboldt resolves, determines, and orders that the following findings are hereby made:

1. The proposed Inland ADU Ordinance and Building Code amendments are exempt from environmental review. Under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regulating Accessory Dwelling Units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county is exempt from environmental review.
2. The Board makes the findings for approval of the amendments to the Inland Zoning Ordinance and to the Building Code as set forth in Exhibit A of this Resolution which is fully incorporated herein by reference.

BE IT FURTHER RESOLVED that the Humboldt County Board of Supervisors:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

1. Adopts the Inland Accessory Dwelling Unit Ordinance as shown in Attachment 2 of this staff report;
2. Sets for adoption the amendments to the Building Code for Alternative Owner Builder Regulations Title III, Division 3, Chapter 1.5 of HCC (Attachment 3) at least one week from this hearing date, which also involves directing the Clerk of the Board to publish a Summary for Publication prior to adoption of the ordinance
3. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to give notice of the decision to any interested party; and
5. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage.

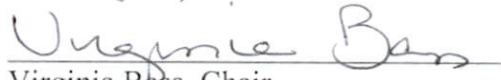
The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on July 13, 2021 by the following vote:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

Dated: July 13, 2021


Virginia Bass, Chair
Humboldt County Board of Supervisors


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

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

STATE OF CALIFORNIA)
County of Humboldt)

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

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


Tracy Damico
Deputy Clerk of the Board of Supervisors
of the County of Humboldt, State of California

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

**EXHIBIT A
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.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).		
1.	FINDING:	The proposed Inland ADU Ordinance Text Amendments are exempt from environmental review.
2.	EVIDENCE:	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.
CONSISTENCY WITH THE INLAND ZONING ORDINANCE.		
3.	FINDING:	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.
	EVIDENCE:	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.	FINDING:	Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed text amendments are consistent with the General Plan.
	EVIDENCE:	a) The proposed text amendments to the inland zoning regulation implement H-IM41 of the 2019 Housing Element of the General Plan, which provides that the county shall amend the zoning regulations to

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

		allow ADUs by right where standards for public health and safety are met, and where the project complies with other stated conditions.
5.	FINDING:	Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law. The proposed amendments do not reduce residential density.
	EVIDENCE:	a) These amendments do involve parcels zoned for residential use that are included in the residential land inventory used the 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 – 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.

THE MODIFICATIONS TO ARTICLE 8 OF TITLE 25 AS SHOWN IN THE AOB ORDINANCE AMENDMENTS IN ATTACHMENT 1 ARE NECESSARY BECAUSE OF LOCAL CONDITIONS		
1.	CHANGE HCC §§ 331-12, 331.5-7	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.
	FINDING:	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.
	EVIDENCE:	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.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 13, 2021

RESOLUTION NO. 21-69

		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.	FINDING:	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.
	EVIDENCE:	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.