

### SUPPLEMENTAL INFORMATION No. 3

For Planning Commission Agenda of:  
June 4, 2020

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Hearing Item	} [ G-1 ]
<input 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. Highlighted Attachment 2\_Inland ADU Ord, revised with a key to color coded changes.
2. Highlighted Attachment 3\_Coastal ADU Ord, revised with a key to color coded changes.
3. Public comment – email No. 2 from L Henderson received June 2, 2020.
4. Public comment – email from R Friesen received Jun 2, 2020.
5. Public comment – email from R Bush received June 3, 2020.
6. Public comment – email and presentation from L Henderson, received June 4, 2020.

**re: Draft Inland Accessory Dwelling Unit Ordinance**

**KEY TO TEXT CHANGES AND AREAS OF DISCRETION**

**The text is identical to that in the previously published drafts, except the text is highlighted as follows:**

**Light blue text emphasizes provisions of last year's state legislation**

and

**Highlighted indicates major areas where the County may exercise discretion to implement regulation.**

**Attachment 2**  
**Draft Inland Accessory Dwelling Unit Ordinance**

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY CODE, REGULATIONS OUTSIDE THE COASTAL ZONE, RELATING TO REGULATION OF ACCESSORY DWELLING UNITS.**

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

**SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.**

Title III, Division 1 of the Humboldt County Code, Chapter 4, Inland 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 314-87.1, and adds section 314-69.05; amends section 314-22; section 314-109; section 314-136; section 314-145; section 314-148; section 314-154; section 314-155; section 314-163; and section 314-177 of Chapter 4, Inland Code; and amends associated zoning regulation tables in Section A, Part 1, Principal Zoning Districts relating to Accessory Dwelling Units.

**SECTION 2. ACCESSORY DWELLING UNIT ORDINANCE**

Subdivision 314-87.1 regarding Secondary Dwelling Units in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby repealed and replaced by 314-69.05 as follows:

**314-69.05 ACCESSORY DWELLING UNITS**

**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 314-155 and 314-148 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 as defined in Govt. 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.

**69.05.2 Accessory Dwelling Units Generally Permitted.**

Accessory dwelling units may be principally permitted 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, and the ADU meets the Development Regulations and Standards of section 69.05.4.

ADUs may be excluded 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.

The county shall act on a complete building permit application for an accessory dwelling unit within 60 days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot.

No certificate of occupancy will be issued for an accessory dwelling unit constructed concurrently with a primary dwelling, before a certificate of occupancy is issued for the primary dwelling.

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

The following provisions apply to all ADUs.

#### 69.05.3.1 One or more ADUs per lot.

One or more ADUs are permitted per lot developed or proposed to be developed with a [single-family or multifamily dwelling](#), except for AE lots forty (40) acres or larger in size, where 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 zones](#), as described in section 69.05.1.3.8.

#### 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.

#### 69.05.3.3 Renting Permitted.

The ADU may, but need not be, rented.

#### 69.05.3.4 Short-term Lodging Prohibited.

The ADU shall not be rented for periods of 30 days or less.

#### 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 314-155; a Moveable Tiny House as defined in Section 314-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code.

##### 69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.

(a) A manufactured home that was sold new, was constructed not more than 10 years before the permit application date, and was 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 81.1.1.3 of this code. The following architectural requirements shall apply on residentially zoned parcels: roof overhang of not less than 6 inches for the entire exterior perimeter; roof of composition shingles, wood shingles or shakes or other materials compatible with the majority of dwellings in the neighborhood; and exterior wall covering of natural or man-made materials of a non-reflective nature.

(b) A manufactured home that is not a new manufactured home is permitted as an ADU

in a T – Manufactured Home Combining Zone if it meets the requirements of Section 35.1 of this code, and may be permitted outside a T - Manufactured Home Combining Zone if it meets all the requirements of Section 81.1.1.3 of this code.

69.05.3.5.2 Tiny Houses and Moveable Tiny Houses as ADUs.

A Tiny House as defined in Section 314-155 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 314-148 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. 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. “Urban Service Area” means an area within a community service district’s service area.

69.05.3.7 Existing Single-Family Residence

Where one single-family dwelling unit exists on a lot, a larger home may be constructed as the principal dwelling unit, and the existing unit treated as the ADU, provided all other development regulations and standards can be met for both units.

69.05.3.8 ADU and Junior Accessory Dwelling Unit (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:

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 footprint space of an existing or proposed single-family dwelling, or within the existing space of a single-family dwelling or accessory structure, and may include an expansion of not 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.

69.05.3.8.2 New Detached ADU

One detached, newly constructed accessory dwelling unit with minimum four-foot side and

rear yard setbacks is allowed on a lot with a proposed or existing single-family dwelling. In addition to the detached accessory dwelling unit, one ADU or JADU is allowed on the lot, if the ADU or JADU is within an ~~existing~~ single-family structure or accessory structure as described in subsection 69.05.3.8.1, and:

- (a) ~~The ADU or JADU within the existing structure contains no more than 500 square feet of floor space; and~~
- (b) 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 is 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.

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

The following development regulations and standards shall apply to all ADUs:

#### 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 and Capacity 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 size or the number of plumbing fixtures, 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 water district, resort improvement district, or community service district that is under a Department of Drinking Water 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 building site shall be shared in common with the proposed or existing primary residence. ADUs must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ or AE, the curtilage area for residences, ADUs, and associated residential accessory structures shall not exceed two acres per parcel and, where feasible, shall be located in the area of lowest agricultural productivity.

#### 69.05.4.3 Total Floor Area.

The total floor area of a detached ADU shall not exceed 1200 square feet. If there is an existing primary residence, the total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the area of the existing primary residence. 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 1200 square feet may be permitted with a Special Permit.

#### 69.05.4.4 Sprinklers

Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence.

#### 69.05.4.5 Setbacks

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.



#### 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, for ADUs less than 1,000 square feet in size, no parking shall be required.

#### 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 314-148 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 materials of a non-reflective 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. Within Urban Service Areas (community service districts), all Moveable Tiny Houses shall be connected to public wastewater systems.
- (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, as mapped, 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, so that an ADU in that area may require a Special Permit. These conditions are:

- (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, or areas of potential liquefaction;
- (d) Areas of inadequate water supply as declared by district standards, or inadequate sewer service for existing planned uses;
- (e) Flood and tsunami hazards;
- (f) Proximity to toxic cleanup sites as designated by California Department of Toxic Substances; and
- (g) Within the Jacoby Creek area, ADUs must comply with the 5 acre minimum density limits as provided in the Jacoby Creek Community Plan, Appendix C of the General Plan.

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 substantial 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 to less than significant levels.

#### **Alternative 1**

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 substantial 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 to less than significant levels. All ADU's shall comply with the County's Fire Safe Regulations. Exceptions to the Fire Safe Regulations shall not be allowed for ADU's.

#### **69.05.7 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.

#### **69.05.8 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 boundary, 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.

### **SECTION 3. DEFINITIONS**

The following subdivisions of section 314 Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 4 of the Humboldt County Code are added or amended to read as follows:

#### **314-136 DEFINITIONS (A)**

##### **Accessory Dwelling Unit:**

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 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)).

### **314-148 DEFINITIONS (M)**

Moveable Tiny House. A structure no larger than 400 square feet intended for separate, independent living quarters, designed and built 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) 1192 RV 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.

### **314-154 DEFINITIONS (S)**

Delete current definition, “secondary dwelling unit”.

### **314-155 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 which includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

## SECTION 4. GREENWAY AND OPEN SPACE

Subdivision 314-22.2 of Chapter 4, Section A, Part 2 of the Humboldt County Code, regarding Greenway and Open Space is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

### 22.2.4.3. Other Provisions for Greenway Bench Development.

22.2.4.3.4 No ~~Secondary Dwelling Units~~ Accessory Dwelling Units shall be allowed within a determined greenway bench area.

### 22.2.5 Density Bonus

22.2.5.1.4 ~~Second or Secondary Dwelling~~ Accessory Dwelling Units shall not be allowed on parcels created by these provisions.

## SECTION 5. OFF-STREET PARKING

Subdivision 314-109.1 of Chapter 4, Section B, Part 3 of the Humboldt County Code, regarding Off-Street Parking is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

### 314-109.1 OFF-STREET PARKING

#### 109.1.3 Parking Spaces Required.

The number of off-street parking spaces required shall not be less than specified in this Section:

##### 109.1.3.1 Residential Uses.

##### 109.1.3.1.1 One-Family and Two-Family Dwellings.

##### 109.1.3.1.1.1 Spaces Required, Setback

One (1) parking space is required for each dwelling unit containing one (1) bedroom or less; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall not be sited in the front-yard setback. The following exception applies to Accessory Dwelling Units:

##### ~~109.1.3.1.1.1.1 Housing Opportunity Zone Exceptions.~~

~~Within mapped Housing Opportunity Zones, the parking required in 109.1.3.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Also, one half (½) of the required parking spaces, or one (1) required parking space, whichever is greater, may be located within the front yard setback.~~

##### 109.1.3.1.1.1 Accessory Dwelling Unit Exceptions

(a) One (1) parking space for each accessory dwelling unit. 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.

(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, ADUs less than 1,000 square feet in size, no parking shall be required.

## SECTION 6. LISTING OF USE CLASSIFICATIONS

Subdivision 314-163 of Chapter 4, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

### 314-163 LISTING OF USE CLASSIFICATIONS

#### 163.1.8 Residential Use Types

Guest House (allowed in RA)

Manufactured Home Park (prohibited in F)

Residential Uses Subordinate to the Permitted Use (allowed in C-3)

Accessory Dwelling Unit (allowed in areas zoned to allow single-family and multifamily use)

Single-family Residence (allowed in RA)

## SECTION 7. RESIDENTIAL USE TYPES

Subdivisions 314-177 of Chapter 4, Section D, Part 2 of the Humboldt County Code, regarding Residential Use Types is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

### 314-177 RESIDENTIAL USE TYPES

#### ~~177.5 Second Residential Unit (Second/Secondary Dwelling Unit)~~ Accessory Dwelling Unit.

The Accessory Dwelling Unit ~~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 as a planned or existing principal dwelling unit for occupancy by individuals or a ~~family household~~. (See, Section 314-69.05, Accessory Dwelling Units.)

**Attachment 3**

**Draft Coastal Accessory Dwelling Unit Ordinance**

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 3 OF HUMBOLDT COUNTY CODE, COASTAL IMPLEMENTATION PLAN AND COASTAL LAND USE PLANS RELATING TO REGULATION OF ACCESSORY DWELLING UNITS.**

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; and parts of the six Coastal Land Use Plans which together constitute the Local Coastal Program of the Humboldt County Code, 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 the previous, and adds a revised section 313-69.05; amends section 313-107; section 313-109; section 313-110; section 313-136; section 313-137; section 313-148; section 313-154; section 313-155; section 313-163; section 313-177 of Chapter 3, Coastal Zoning Code; amends associated zoning regulation tables in sections 313-6 and 313-7; and amends parts of the Humboldt Bay Area Plan, North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Eel River Plan, and South Coast Area Plan relating to Accessory Dwelling Units.

**SECTION 2. 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:

**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 as defined in Govt. Code section 65852.22. JADUs are permitted without discretionary review in all areas where ADUs are principally permitted, and special rules apply to JADUs as set forth in section 69.05.3.8 of this code.



~~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.**

Accessory dwelling units are permitted without discretionary review 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, and the ADU meets the Development Regulations and Standards of section 69.05.4. 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.

#### 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, that 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.

#### 69.05.2.2 Exceptions

ADUs may be excluded 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.

#### 69.05.2.3 Expedited Application Review

The county shall act on the building permit application for an accessory dwelling unit within 60 days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot.

No certificate of occupancy will be issued for an accessory dwelling unit constructed concurrently with a primary dwelling, before a certificate of occupancy is issued for the primary dwelling.

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

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

The following provisions apply to all ADUs.

~~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.

One or more ADU is permitted per [lot developed or proposed to be developed with a single-family or multifamily dwelling](#), except for AE lots sixty (60) acres or larger in size, where an ADU unrestricted in size may be allowed in addition to a main residence. [Configurations with more than one ADU or JADU are allowed in residential and mixed use zones](#) as described in section 69.05.3.9.

#### 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) A manufactured home that was sold new, was constructed not more than 10 years before the permit application date, and was certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, is permitted as an ADU with a building permit and any required Coastal Development 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 81.1.1.3 of this code. The following architectural requirements shall apply on residentially zoned parcels: roof overhang of not less than 6 inches for the entire exterior perimeter; roof of composition shingles, wood shingles or shakes or other materials compatible with the majority of dwellings in the neighborhood; and exterior wall covering of natural or man-made materials of a non-reflective nature.

(b) A manufactured home that is not a new manufactured home is permitted as an ADU in a T – Manufactured Home Combining Zone if it meets the requirements of Section 35.1 of this code, and may be permitted outside a T - Manufactured Home Combining Zone if it meets all the requirements of Section 81.1.1.3 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. 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. “Urban Service Area” means an area within a community service district’s service area.

#### 87.1.3.6 69.05.7 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:

##### 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 footprint-space of an existing or proposed 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.

#### 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 ~~ADU or JADU~~ is allowed on the lot, if the ~~ADU or JADU~~ is within an existing single family ~~structure~~ or accessory structure as described in subsection 69.05.3.8.1, and:

- (a) ~~The attached ADU or JADU contains no more than 500 square feet of floor space; and~~
- (b) 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 water district, resort improvement district, or community service district that is under a Department of Drinking Water 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, and utilities shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Where feasible, 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. 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 1200 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 (50) percent of the area of the existing primary residence. or 1,200 square feet. The minimum floor area shall be 150 square feet.

69.05.4.3.1 ADUs that exceed 1200 square feet 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.

87.1.4.8 69.05.4.7 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 69.05.4.8 Public Access.

~~Second~~ Accessory residential dwelling units shall not obstruct public access to and along the coast or public trails.

87.1.4.10 69.05.4.9 Visual Resources.

~~Second~~ Accessory residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.

87.1.4.11 69.05.4.10 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”.

87.1.4.12 69.05.4.11 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 avoid prime soils to the maximum extent feasible, and to minimize impacts to agriculturally related activities.

69.05.4.12 Timberlands.

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

87.1.5 69.05.4.13 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 noneonforming 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 materials of a non-reflective 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. Within Urban Service Areas (community service districts), all Moveable Tiny Houses shall be connected to public wastewater systems.
- (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, so that an ADU in that area requires a Special Permit. These conditions are:

- (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, or areas of potential liquefaction;
- (d) Areas of inadequate water supply as declared by district standards, or inadequate sewer service for existing planned uses;
- (e) Flood and tsunami hazards;
- (f) Proximity to toxic cleanup sites as designated by California Department of Toxic Substances; and
- (g) Within the Jacoby Creek area, ADUs must comply with the 5 acre minimum density limits as provided in the Jacoby Creek Community Plan, Appendix C of the General Plan.

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 substantial 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 to less than significant levels, 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 discretionary 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) Parcels within Coastal Natural Resources areas as mapped on the County's GIS.

#### Alternative 1

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 substantial 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 to less than significant levels. All ADU's shall comply with the County's Fire Safe Regulations. Exceptions to the Fire Safe Regulations shall not be allowed for ADU's.

### **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 3. 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 (text deletions shown as ~~strikeouts~~, insertions as underlined):

### 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 five conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets NFPA 1192 standards or ANSI 119.5 requirements as certified 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 4. 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 (text deletions shown as ~~strikeouts~~, insertions as underlined):

#### **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 5. OFF-STREET PARKING**

Section 313-109.1.4 of the Humboldt County Code, regarding parking spaces required, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as 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

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.

109.1.4.1.1.2 Parking Standards Waived for Certain ADUs

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, ADUs less than 1,000 square feet in size, no parking shall be required.

## SECTION 6. 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 (text deletions shown as ~~strikeouts~~, insertions as underlined):

### **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 7. 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 (text deletions shown as ~~strikeouts~~, insertions as underlined):

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 8. 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 (text deletions shown as ~~strikeouts~~, insertions as underlined):

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 accessory dwelling unit(s).</u> <u>Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u> 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 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. 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

**313-6.3 R2: MIXED RESIDENTIAL**

<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; <u>Ancillary Residential</u> . Only one dwelling per lot or manufactured home 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 9. 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 (text deletions shown as ~~strikeouts~~, insertions as underlined):

**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	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 <u>and Accessory Dwelling Unit (on a lot less than sixty acres (60a))</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*	Aquaculture, allowed within non-prime agricultural lands only Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Hog Farming Feed Lots/Slaughter House Kennels Agriculture-Related Recreation Intensive Agriculture
Extractive Use Types	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
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Resource-Related Recreation 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 AE zone.

### 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	Single Family Residential. 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	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	Single Family Residential. 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 8. 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, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, on the following vote, to wit:

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Estelle Fennell, 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

**To: Humboldt County Planning Commission**  
**From: Larry Henderson**  
**Date: May 29, 2020**  
**Subject: Proposed Accessory Dwelling Unit Ordinance**

I wish to clarify my previous correspondence on this matter.

For disclosure, my wife and I own property in the Jacoby Creek Area. The parcel is five acres in size and located outside the Jacoby Creek County Water District, but within the planned Urban Development Area. We have one home on the property, with on-site water supply and sewerage disposal systems. We want to add a second home and eventually divide the property.

I support the proposed Accessory Dwelling Unit Ordinance. But I request that two proposed sections be deleted: Section 69.05.3.6 that would require all new ADUs within a community service district's service area to connect to a public wastewater system, and Section 69.05.6(g) listing the Jacoby Creek area as an ADU Special Permit Area.

A requirement to connect to a public wastewater system serves no purpose and would exclude ADUs where public water services are available, but sewer services are not.

Imposing a more restrictive density limitation on the Jacoby Creek area would be unlawful without real reasons—real reasons that can be scrutinized by the public and courts—why the limitation is the least restrictive means to further an overriding public interest. To date no reason has been provided as to what public interest might exist that is it more important than my interests to have another dwelling on my property.

I also ask that answers to the following questions be provided for the public record.

*First Question: Does the County have a choice?*

Is there local legislative mandate that requires the two sections (69.05.3.6 and 69.05.6(g)) to be imposed as proposed, or does the County have the choice to delete them?

I have asked and researched, and the answer appears to be negative...there is not a zoning or other regulatory provision that would mandate the restrictions of either of the two sections I request be deleted. Adoption of the proposed sections would be a discretionary decision to establish the mandate.

*Second Question: Is there an overriding public interest?*

I do not see a problem warranting the proposed special restrictions. Provided the current standards for water supply and sewerage disposal are met, there is no valid nexus between a 5-acre density limitation and the health and safety of the Jacoby Creek Area.

In 1979, the State Water Resources Control Board identified a public health hazard related to development of residences served by on-site sewage disposal systems in the Jacoby Creek area.



To mitigate this hazard, it adopted a resolution (No. 79-101) prohibiting “waiver of criteria governing the use of individual waste treatment and disposal systems in portions of the non-sewered areas tributary to Humboldt Bay between the cities of Arcata and Eureka.” This action resolved the hazard, as there have been no public health issues during the 40 years the waiver prohibition has been in effect.

The waiver prohibition did not and does not mandate a 5-acre maximum density or minimum parcel standard. Further, there are no restrictions elsewhere in the County or State necessitating a 5-acre restriction where public water service is or will be provided without sewage disposal service.

*Third Question: What test will be applied in determining General Plan consistency?*

The decision to require or not require special permits and sewer connection for ADUs in the Jacoby Creek Area will be discretionary requiring (in addition to CEQA compliance) the mandatory General Plan Consistency determination. The determination is not a straight-forward one. Both choices (to impose or not impose the special restrictions) have consistency conflicts.

The applicable plan is the 40-year old Jacoby Creek Community Plan that was re-adopted with the GPU program, but not updated. The text and map of that plan allows a wide residential density range...from one dwelling unit per two and a half (2½) acres to a maximum of seven dwelling units per acre. However, the policy of that plan calls for both public water supply and sewage disposal services for new development at a density greater than one dwelling unit per five acres. The policy was promoted by the City of Arcata in anticipation of eventually annexing the area and providing full urban services.

To not impose the special restrictions will not be consistent with the Plan’s “5-acre limitation for non-sewered parcels” policy. However, to impose the restrictions will be inconsistent with many more policies in the County’s General Plan for additional, affordable housing and orderly, infill development.

On inquiry of the matter, the Planning Department has explained why the special restrictions are appropriate for plan-consistency. But Planning has not yet addressed the topic of how the special restrictions might not be appropriate. The conflict needs to be considered and resolved, and the Commission’s test (or application of priorities) for determining what is more important to the public interest needs to be disclosed.

Respectfully submitted,

Larry Henderson  
1933 Golf Course Road  
Bayside, CA 95524

## RE: Planning commission meeting

FRIESEN - Russell <russ@friesendb.com>

Tue 6/2/2020 4:15 PM

To: Milner, Mary <MMilner1@co.humboldt.ca.us>

Cc: FRIESEN - Lane <lane@friesendb.com>; FRIESEN - Nevin <nevin@friesendb.com>; FRIESEN - Nick <Nick@friesendb.com>

Hi Mary,

Thanks for sending that over. I don't have much time to review this but I would like to comment on two ADU complications that we run into over and over at our company where we retail/install manufactured homes as well as design/build custom homes.

- The 1200 sq. ft. size limit is often a problem when trying to provide affordable housing for young families that are building on their parents property. Often they have several children and 1200 sq. ft. is pretty tight for 3bedrooms plus living space. I would be in favour of the special permit that would allow for larger, possibly up to 1700 sq. ft.
- The ADU restriction for AE zoning stops many new ADU projects. Case in point, my parents are getting older and we started planning to set up an ADU for them on my property. Only to realize that it was zoned AE and ADU's are still restricted. It is a 10 acre parcel, all steep hillside except for two acres. Not really farmable property but no ADU allowed either. Don't get me wrong I support farmers and am thankful for the food they provide. I am not in favor of taking prime ag land and developing it but could there be a way to take it case by case? Possibly if the property is not conducive to farming or is not being used for farming currently then an ADU would be allowed? I am in favor of allowing ADU's on AE zoned property.

Thank you

*Thank you,*



### Russell Friesen

Friesen Design Build, LLC

President/Project Manager

phone: (707) 725-1999 x 2 fax:

(707) 725-1991

office: 115 Main Street, Fortuna,

CA 95540

mail: PO Box 813, Fortuna, CA

95540

email: [russ@friesendb.com](mailto:russ@friesendb.com)



June 2, 2020

5

County of Humboldt Planning Commission  
825 5<sup>th</sup> Street  
Eureka, CA

Re: Proposed changes to Accessory Dwelling Unit Ordinance (Agenda item: G-1, pg 6)

Dear Planning Commissioners,

I am writing to request that the Planning Commission accept the proposed change to the County Zoning Regulations, contained on page 6, Sec: 314-69.05.4.3.1. This section allows "ADU's that exceed 1,200 square feet may be permitted with a Special Permit.", currently disallowed by the State of California. The existing Humboldt County's zoning regulations, Sec.314 -87.1.2.1, permit "A second dwelling unit not restricted as to size..."

Our primary dwelling is located on 6.3 acres in Hydesville. We are zoned "Agricultural General", with 2.5 acre lot minimums. The property is served with city water, septic system and 50' right of way access. Our area is "semi-incorporated" and this project would not overload the limits of our community service infrastructure. (APN 204-152-41)

As longtime Humboldt County residents, we have been attempting to develop a project for creating a second parcel to provide a building site for family members since 1993. Unfortunately, we have been unable to proceed, primarily due to County zoning difficulties and excessive costs created by the Alquist-Priolo Fault Hazard Zone. Now, after discovering that "Second Dwelling Units" were indeed allowed in our situation, our contractor informed us last November, when he met with the County Building Dept., that "SDU's" (ADU's) could not exceed 1,200 square feet according to California State law.

My spouse and I have approached the Humboldt County Planning and Building Dept. on at least three (3) different occasions since 1993 and now, on our fourth attempt, we have been stopped again. In the fall of 2019, my wife's parents (age 90 & 87) experienced some serious medical and "Golden Year" problems that required her constant attention, making this a time sensitive situation. Although it is too late to help our children, we had great hopes of helping her parents and we, need your help! It is within your power to approve this proposed change to the State imposed "ADU" 1,200 square footage maximum limitation. A 1,200 sq ft dwelling is generally not very accommodating to any size family. This change will benefit other residents of Humboldt County as well. We are ready to submit our project for a slightly larger ADU to the County Building Dept. as soon as we can. Thank you for your time and attention to this matter.

Respectfully Submitted,

Ronny & Nancy Bush  
PO Box 821  
Hydesville, CA 95547

Res: 707-768-3534

## A Presentation

*To:* Humboldt County Planning Commission  
*From:* Larry Henderson  
*Date:* June 4, 2020  
*Subject:* Proposed Accessory Dwelling Unit Ordinance

I request that two proposed sections be deleted:

I request that two proposed sections be deleted:

**Section 69.05.3.6 that would require all new ADUs within a community service district to connect to a public wastewater system.**

I request that two proposed sections be deleted:

Section 69.05.3.6 that would require all new ADUs within a community service district to connect to a public wastewater system.

**Section 69.05.6(g) listing the Jacoby Creek Area as an ADU Special Permit Area.**

*1st Request:*

Connection to public sewage system  
should not be required because



*1st Request:*

Connection to public sewage system  
should not be required because

**it serves no purpose**

*1st Request:*

Connection to public sewage system  
should not be required because  
it serves no purpose

**and it would exclude ADUs  
where water services are available  
but sewage services are not.**

*2nd Request:*

A density restriction should not be imposed  
in the Jacoby Creek Area because

*2nd Request:*

A density restriction should not be imposed  
in the Jacoby Creek Area because

**it would be a greater restriction  
than imposed elsewhere in the County**

*2nd Request:*

A density restriction should not be imposed  
in the Jacoby Creek Area because

it would be a greater restriction  
than imposed elsewhere in the County

**and would be unlawful without real reasons  
why it furthers an overriding public interest.**

*2nd Request:*

A density restriction should not be imposed  
in the Jacoby Creek Area because

**to date**

**no legitimate explanation has been provided**

as to what public interest might exist  
that is more important than my interests  
to have another dwelling  
on my 5-acre property located in that area.

*2nd Request:*

A density restriction should not be imposed  
in the Jacoby Creek Area because

to date

no legitimate explanation has been provided

**as to what public interest might exist  
that is more important than my interests**

to have another dwelling

on my 5-acre property located in that area.

*2nd Request:*

A density restriction should not be imposed  
in the Jacoby Creek Area because

to date

no legitimate explanation has been provided  
as to what public interest might exist  
that is more important than my interests

**to have another dwelling  
on my 5-acre property located in that area.**



I have three questions I ask to be answered for the record.

I have three questions I ask to be answered for the record.

**1st Question: Does the County have a choice?**

I have three questions I ask to be answered for the record.

1st Question: Does the County have a choice?

2nd Question: Is there an overriding public interest?

I have three questions I ask to be answered for the record.

1st Question: Does the County have a choice?

2nd Question: Is there an overriding public interest?

**3rd Question: What test will be applied in determining General Plan consistency?**

*Does the County have a choice?*

**Does the County have the choice to delete  
the two sections (69.05.3.6 and 69.05.6(g)),**

or is there local legislative mandate that requires  
them to be imposed as proposed?

*Does the County have a choice?*

Does the County have the choice to delete the two sections (69.05.3.6 and 69.05.6(g)),

**or is there local legislative mandate that requires them to be imposed as proposed?**

*Does the County have a choice?*

**My answer is yes,  
The County has a choice.**

*Does the County have a choice?*

My answer is yes.

I have not found a County Code section that would mandate the restrictions of either of the two sections.



*Does the County have a choice?*

My answer is yes.

**Adoption of the proposed sections  
would be a discretionary decision  
to establish the mandates...**

...necessitating CEQA assessment  
and a General Plan consistency finding.

*Does the County have a choice?*

My answer is yes.

Adoption of the proposed sections  
would be a discretionary decision  
to establish the mandates...

**necessitating CEQA assessment  
and a General Plan consistency finding.**

*Is there an overriding public interest?*

**Are there special conditions of the Jacoby Creek Area  
that warrant the proposed special restrictions?**

*Is there an overriding public interest?*

**My answer is no,  
There is no overriding public interest.**

*Is there an overriding public interest?*

My answer is no.

Provided the current state and local standards for water supply and sewage disposal are met,

*Is there an overriding public interest?*

My answer is no.

Provided the current state and local standards for water supply and sewage disposal are met,  
**there is no valid nexus between  
a 5-acre density limitation**

*Is there an overriding public interest?*

My answer is no.

Provided the current state and local standards for water supply and sewage disposal are met, there is no valid nexus between a 5-acre density limitation **and the health and safety of the Jacoby Creek Area.**

*Is there an overriding public interest?*

My answer is no.

**There are no restrictions elsewhere  
in the County or State**



*Is there an overriding public interest?*

My answer is no.

There are no restrictions elsewhere  
in the County or State  
**necessitating a 5-acre density restriction**

*Is there an overriding public interest?*

My answer is no.

There are no restrictions elsewhere  
in the County or State  
necessitating a 5-acre density restriction  
**where public water service  
is or will be provided  
without public sewage service.**

*What will be the General Plan Consistency test?*

The decision will not be easy,  
as both choices have plan-consistency issues.

*What will be the General Plan Consistency test?*

**The decision is to require or not require special permits and sewer connection for ADUs in the Jacoby Creek Area.**

The decision will not be easy,  
as both choices have plan-consistency issues.

*What will be the General Plan Consistency test?*

The decision is to require or not require special permits and sewer connection for ADUs in the Jacoby Creek Area.

**The decision will not be easy,  
as both choices have plan-consistency issues.**

*What will be the General Plan Consistency test?*

To impose the special restrictions  
***will be consistent*** with the 40-year old  
Jacoby Creek Community Plan 5-acre limitation  
for non-sewered parcels.

However, to impose the restrictions  
***will be inconsistent*** with many more policies  
in the recently updated County General Plan  
for additional, affordable housing  
and orderly, infill development.

*What will be the General Plan Consistency test?*

To impose the special restrictions  
***will be consistent*** with the 40-year old  
Jacoby Creek Community Plan 5-acre limitation  
for non-sewered parcels.

However, to impose the restrictions  
***will be inconsistent*** with many more policies  
in the recently updated County General Plan  
for additional, affordable housing  
and orderly, infill development.

*What will be the General Plan Consistency test?*

The conflict needs to be considered and resolved,  
and the test (or priorities) needs to be disclosed,  
as to what is more important to the public interest.



*What will be the General Plan Consistency test?*

The conflict needs to be considered and resolved, and the test (or priorities) needs to be disclosed, as to what is more important to the public interest.

**The Planning Department has explained why the special restrictions are appropriate for plan-consistency.**

*What will be the General Plan Consistency test?*

The conflict needs to be considered and resolved, and the test (or priorities) needs to be disclosed, as to what is more important to the public interest.

The Planning Department has explained why the special restrictions are appropriate for plan-consistency.

**But the scenario of how the special restrictions are not appropriate needs to also be addressed.**

*What will be the General Plan Consistency test?*

I suggest that the following evaluation technique  
(that has previously been used by the Planning Commission)  
be applied here.

WHAT WILL HAPPEN  
WITH THE  
SPECIAL RESTRICTIONS?

WHAT WON'T HAPPEN  
WITH THE  
SPECIAL RESTRICTIONS?

WHAT WILL HAPPEN  
WITHOUT THE  
SPECIAL RESTRICTIONS?

WHAT WON'T HAPPEN  
WITHOUT THE  
SPECIAL RESTRICTIONS?

*What will be the General Plan Consistency test?*

I suggest that the following evaluation technique (that has previously been used by the Planning Commission) be applied here.

WHAT WILL HAPPEN WITH THE SPECIAL RESTRICTIONS?	WHAT WILL HAPPEN WITHOUT THE SPECIAL RESTRICTIONS?
WHAT WON'T HAPPEN WITH THE SPECIAL RESTRICTIONS?	WHAT WON'T HAPPEN WITHOUT THE SPECIAL RESTRICTIONS?

Respectfully submitted,

Larry Henderson

1933 Golf Course Road

Bayside, CA 95524