

ATTACHMENT :

**PLANNING COMMISSION RESOLUTION AND STAFF REPORT, AND
PUBLIC COMMENTS RECEIVED BY THE PLANNING COMMISSION**



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Date: Meeting of July 23, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Public Hearing on the Draft Accessory Dwelling Unit (ADU) Ordinance**

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Please contact Mary Milner, at 707-268-3772 or mmilner1@co.humboldt.ca.us, if you have any questions about the ADU ordinance.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
July 23, 2020	Draft Accessory Dwelling Unit (ADU) Ordinance	Michael Richardson

Project Description: Secondary Dwelling Units are now considered Accessory Dwelling Units (ADUs). The State preempted local control of permitting ADUs with changes to state law in 2017 which nullified Humboldt County's second unit ordinance. More changes to state law in 2019 further relaxed the standards for development of ADUs. The proposed new ADU ordinance attempts to clarify the County's standards consistent with state law while incorporating public input as expressed in workshops and public meetings. The new ordinance proposes all the following:

1. Repeals Sections 314-87.1 and 313-87.1 regarding Secondary Dwelling Units;
2. Adds Sections 314-69.05 and 313-69.05 regarding Accessory Dwelling Units;
3. Amends Sections 314-22; 314-109; 314-136; 314-145; 314-148; 314-154; 314-155; 314-163; and 314-177 of Chapter 4 of the zoning code; and Sections 313-107; 313-109; 313-110; 313-136; 313-137; 313-148; 313-154; 313-155; 313-163; and 313-177 of Chapter 3, Coastal Zoning Code; 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;
4. Amends parts of the General Plan text that reference "secondary dwelling units" to reflect instead "accessory dwelling units";
5. Changes Section 331.5 Modified Limited Density Owner-Builder Rural Dwelling Regulations (for Alternative Owner Builders, or AOB) to allow for ADUs accessory to AOB residences, and removes the requirement for owner occupancy in owner-built ADUs; and
6. Adopts part of Title 24 CCR, Appendix Q Tiny Houses as part of HCC Section 331-11 to address stairs, handrails, headroom, ladders, lofts, including guard and emergency escape and rescue openings in lofts of tiny houses built on foundations.

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

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

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

Environmental Review: The proposed ordinance amendments are exempt from environmental review under in Section 15282 of the California Environmental Quality Act (Ordinances regarding second units).

State Appeal Status: This project is located in part within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (zoning ordinance provisions in 313-69.05 and other sections of Chapter 3) must receive final certification from the California Coastal Commission before they may become effective.

ACCESSORY DWELLING UNIT ORDINANCE

Recommended Commission Action

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

“Based on evidence in the staff report and public testimony, make all the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and Section 15282(h) of the State CEQA Guidelines and adopt the proposed ADU ordinance (as modified by the Planning Commission) along with its related zoning code, General Plan and Coastal Plan amendments, and changes to the building code.”

EXECUTIVE SUMMARY:

The Planning Commission reviewed the Inland and Coastal drafts of the Accessory Dwelling Unit Ordinance and the associated General Plan and Coastal Plan amendments and the proposed amendments to the Building Regulations in four virtual meetings on May 21st, June 4th, July 18th, and July 9th of 2020. Public comments were taken during each meeting. The Commission evaluated alternatives and made changes to the draft ADU ordinance as summarized in the following paragraphs.

Draft Inland Accessory Dwelling Unit Ordinance

69.05.2 (page 3 of draft). The following provision was omitted.

~~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.~~

69.05.3.4 (page 3 of the draft). Alternatives were considered that would soften the short-term rental prohibition for ADUs, by limiting the prohibition to 10 years, and by offering fee waivers in exchange for covenants for ten years. The alternates were rejected, and original language retained.

69.05.3.5.1 (page 3 of the draft). A repeated portion of HCC Section 81.1.1.3 pertaining to manufactured homes was replaced by a cross-reference, in anticipation of that section being amended.

69.05.3.6 (page 4 of the draft). This section, pertaining to Sewer and Water Service, was amended as follows for clarity in the case where sewer service is not available:

All new ADUs within Urban Service Areas shall connect to public wastewater systems if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply. ~~“Urban Service Area” means an area within a community service district’s service area.~~

69.05.4 (page 6 of the draft). The Commission considered adding additional design standards, but

retained the current language instead.

69.05.4.1.5 (page 6 of the draft). A provision relating to drinking water was clarified as follows:

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.

69.05.4.3.1 (page 6 of the draft). A provision for to allow ADUs larger than 1,200 square feet with a Special Permit was retained.

69.05.4.7 (page 7 of the draft). The following provision was added:

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

69.05.5.6(d) (page 8 of the draft). A design standard for Moveable Tiny Houses was amended as follows:

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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.~~

69.05.6(d) (page 8 of the draft). A provision to create a Special Permit Area for areas with inadequate water supply was struck.

~~(a) Areas of inadequate water supply as declared by district standards, or inadequate sewer service for existing planned uses;~~

69.05.6(g) (page 8 of the draft). The following Special Permit provision was struck:

~~(f) 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.~~

Jacoby Creek Community Plan Review. In addition, the Commission recommended that the Board direct staff to update the Jacoby Creek Community Plan to refine the density limitations while also protecting water quality in the area.

69.05.6 Fire Safe Exceptions (page 8 of the draft). An alternative provision that would require all ADUs to comply with the County's Fire Safe Regulations, without exception, was abandoned due to a contrary provision in the Board of Forestry rule of June 12, 2020, "Emergency Fire Safe Regulations Applicability". The rule states that Fire Safe regulations do not apply to ADUs.

69.05.8 and 331.5 Alternative Owner-Builder Code. (Page 9 of the draft and Attachment 3). The Commission recommended the proposed amendments to the Alternative Owner-Builder Code as initially presented by staff.

Draft Coastal Accessory Dwelling Unit Ordinance

69.05.4.2 (page 7-8 of the Coastal draft). An alternative was considered that omitted the provision underlined below, recommended by the Coastal Commission. The omission was declined, leaving the

CC recommendation intact.

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.

69.05.4.12 (page 9 of the Coastal draft). The Commission accepted changes in the language related to agricultural lands, as reflected by strikeout and underline in the draft.

69.05.4.13 (page 9 of the Coastal draft). The following provision for Timberlands was added as recommended by the Coastal Commission.

69.05.4.13 Timberlands.

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

69.05.6(c) (page 11 of the Coastal draft). Subpart (c) was amended as follows at the request of the Coastal Commission, and recommended by the Planning Commission:

(c) Areas of active or historic landslides; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.

313-136 Definitions (A) (page 14 of the Coastal draft). The following sentence was recommended as part of the definition of ADU by the Coastal Commission, and approved by the Planning Commission: An accessory dwelling unit is an accessory building for purposes of Categorical Exclusion Order E-86-4, Section I(a).

Amended language for parcels zoned AE, AEG, AEP, in all LCPs. (page 26 of the Coastal draft, for example, but applicable in all six Local Coastal Plans). The Commission reviewed and accepted amendments to the six LCPs that eliminates occupancy requirement for second agricultural dwellings, and for accessory dwelling units, as follows.

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

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

Amendments to 312-6, and 312-9 (pages 37 and 38 of the Coastal draft). The Commission reviewed and recommended amending Section 312-6 and table 312-9.2.4 to include procedures for CDPs where required for an accessory dwelling unit, as requested by the Coastal Commission. See 312-6.3, 312-9.2.4 and 9.2.6 in the draft for added text.

These changes are incorporated in the attachments to the staff report.

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 20-__

Accessory Dwelling Unit Ordinance, General Plan Amendment, Changes to Building Code

Makes the required findings for certifying compliance with the California Environmental Quality Act; recommends adoption by the Board of Supervisors of the Accessory Dwelling Unit Ordinance, a General Plan Amendment renaming Secondary Dwelling Units as Accessory Dwelling Units, and Amendments to Sections 331 and 331.5, Humboldt County Building Codes.

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

WHEREAS, changes to California Government Code Sections 65852.2 and 65852.22 in 2017 and 2019 superseded the County's Second Unit Ordinance, rendering it null and void; and

WHEREAS, under Government Code Section 65852.2 a local agency may, by ordinance, regulate the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use, provided its regulations are no more restrictive than set forth in that section; and

WHEREAS, Humboldt County initiated the zoning ordinance and building code changes herein to implement its General Plan Housing Element Update in 2019, which directs the County to develop an Accessory Dwelling Unit Ordinance as set forth in H-P29 and H-IM41; allow tiny houses and moveable tiny houses as residences as set forth in H-P30, H-IM30, H-IM38, and H-IM39; and support alternative owner- built residences as low-cost housing as set forth in H-P15; and

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

WHEREAS, the proposed ordinance and related code amendments may be approved if findings can be made that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; (3) amendments to the Local Coastal Plans are in conformity with the policies of the Coastal Act and approved Local Coastal Plans; and (4) the proposed changes do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

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

WHEREAS, pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the Coastal Accessory Dwelling Unit Ordinance is statutorily exempt; and Local Coastal Program Amendments are exempt subject to approval by the California Coastal

Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA); and

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning and building text; and

WHEREAS, a series of public hearings was held on the matter before the Humboldt County Planning Commission on May 21st, June 4th, July 18th, July 9th, and July 23rd of 2020, during which the Planning Commission reviewed, took public comments, and recommended changes to the drafts as enumerated in the draft ordinances attached to this staff report as revised by the Planning Commission at the meeting on July 23, 2020, the Addendum to Staff Report; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommends the Board of Supervisors direct the Planning Department to update the Jacoby Creek Community Plan to refine the residential density limitations while also protecting water quality in the area;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The proposed ordinance and amendments to the general plan and building code are in the public interest; and
2. The proposed ordinance and amendments to the general plan and building code are consistent with the General Plan; and
3. The proposed ordinance and amendments to the general plan and building code do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
4. The Planning Commission makes the findings in Exhibit A of this resolution, which is incorporated fully herein, based on the evidence provided.

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

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 1 of this staff report and summarized as follows:
 - (a) Sets forth standards, in accordance with state law, for creation or conversion of Accessory Dwelling Units (ADUs) on lots zoned to allow single family or multifamily use; and allows a Tiny House or Moveable Tiny House, as defined, to be used as an ADU.
3. Adopt the ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report and summarized as follows:
 - (a) Sets forth standards for the Coastal Zone, in accordance with state law, for creation or conversion of Accessory Dwelling Units (ADUs) on lots zoned to allow single family or multifamily use; and allows a Tiny House or Moveable Tiny House, as defined, to be used as an ADU.

4. Adopt the associated General Plan and Coastal Plan Amendments as shown in Attachments 1 and 2 of this staff report.
5. Adopt the ordinances amending Sections 331 and 331.5 of the Building Codes as set forth in Attachments 3 and 4 of this staff report.
6. Direct Planning staff to submit the Coastal Zoning Ordinance and amendments to the Coastal Plans to the Coastal Commission for certification.
7. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on _____, 2020. The motion was made by Commissioner _____ and second by Commissioner _____ and the following vote:

AYES:

NOES:

ABSTAIN:

DECISION:

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

John Ford, Director
Planning and Building Department

Exhibit A – Required Findings of Approval

A. Required Findings for General Plan Amendments

In accordance with State Planning and Zoning Law (Government Code Section 65000 et seq.) and the General Plan of Humboldt County, a general plan amendment may be approved upon making the following findings:

- (1) The amendment is in the public interest, and one or more of the following applies:
 - a. Base information or physical conditions have changed; or
 - b. Community values and assumptions have changed; or
 - c. There is an error in the plan; or
 - d. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. Required Findings for Amendments to the Zoning Regulations

State Planning and Zoning Law (Government Code Section 65000 et seq.), and Section 312-50 of the Humboldt County Code (HCC) state the following findings must be made to approve changes in the Zoning Maps and Regulations:

- (2) The proposed amendment is in the public interest;
- (3) The proposed amendment is consistent with the General Plan;
- (4) The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

C. Required Findings for Consistency with the Coastal Act

Amendments to Local Coastal Plans must conform with the Coastal Act. Title 14, Section 13551 of the Coastal Commission’s Administrative Regulations, Public Resources Code, Section 30200.

- (5) Section 312-50.3.3 HCC requires proposed amendments to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)

Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)

Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)

Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)

Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

D. California Environmental Quality Act (CEQA)

The proposed Inland and Coastal Ordinances are exempt from environmental review under in Section 15282 of the California Environmental Quality Act (Ordinances regarding second units), as detailed in the Evidence section below.

Evidence Supporting the Required Findings

A. Findings for General Plan Amendment:

The following table identifies the evidence which supports finding that the proposed General Plan amendments are in the public interest, and based on changed conditions.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>1. Public Interest Humboldt County General Plan Section 3.3</p>	<p>The proposed General Plan Amendment is in the public interest.</p>
<p>Evidence Supporting Finding 1. The purpose of this project is to ensure consistency of terminology between the General Plan the Zoning Regulations. The proposed project amends the Zoning Regulations to add an Accessory Dwelling Unit Ordinance. Prior versions referred to Accessory Dwelling Units as Secondary Dwelling Units, or Second Units. For the sake of consistency, references in the General Plan to Secondary Dwelling Units or Second Units are amended to Accessory Dwelling Units. Eliminating multiple terms for the same object, and removing confusing terminology promotes better understanding of the regulations, and is therefore in the public interest.</p>	
Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>1a. Changed conditions Humboldt County General Plan G-P8. Base information or physical conditions have changed</p>	<p>The proposed General Plan Amendment responds to a change in state law and terminology usage. Conforms to adoption of a corresponding ordinance.</p>
<p>Evidence Supporting Finding 1a. Changes to State housing law, Gov. Code Secs. 65852.2 and 65852.22, in 2017 and 2019, regulate Accessory Dwelling Units, formerly designated in Humboldt County Code as “Secondary Dwelling Units”. The proposed General Plan Amendment harmonizes language in accordance with that change.</p>	

B. Findings for Zoning Ordinance Amendment:

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

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>2. Public Interest §312-50 of Humboldt County Code</p>	<p>The proposed Accessory Dwelling Unit Ordinance is in the public interest.</p>
<p>Evidence Supporting Finding 2. The proposed ordinance would allow ADUs without discretionary review in all areas zoned to allow single family or multifamily use, and would further relax development standards to facilitate low-cost housing. Given the findings of the legislature that (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government; the proposed ordinance advances these goals, and is therefore in the public interest.</p>	
Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>3. General Plan Consistency §312-50 of Humboldt County Code</p>	<p>The proposed ordinance must be consistent with the General Plan. Applicable policies and measures of the 2019 Housing Element, Chapter 8 of the General Plan include: H-IM41 Comply with state housing law; H-P29 Relax ADU development standards; H-P30, H-P31, H-IM38 and H-IM39 Encourage Tiny Houses and Moveable Tiny Houses as lower income housing; and H-P15 Support Alternative Owner Builder dwellings in rural areas.</p>
<p>Evidence Supporting Finding 3. The Accessory Dwelling Unit Ordinance implements the 2019 Housing Element. The proposed ordinance incorporates the state-mandated changes to ADU regulations, as directed in implementation measure H-IM41. Policy H-P29 directs the county to stimulate the construction of ADUs by relaxing development standards through code modifications to facilitate low-cost housing and to make more efficient use of existing roads. H-P30, H-P31, H-IM38 and H-IM39 call for allowing and encouraging tiny houses and moveable tiny houses as permanent dwellings, and as ADUs, and set forth standards and definitions. Tiny houses and moveable tiny houses are intended to promote diverse, affordable housing. H-P15 supports lower cost rural housing by modifying the Alternative Owner Builder (AOB) Regulations to allow ADUs to be built as AOB units, and by adding building codes for Tiny Homes to the building regulations of the Humboldt County Code.</p>	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>4. Consistency with Housing Element Densities §312-50 of Humboldt County Code</p>	<p>That the proposed ordinance will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation)</p>
<p>Evidence Supporting Finding 4. The proposed ordinance involves parcels zoned Residential Single Family or Residential Multifamily that are included in the residential land inventory used the by the Department of Housing and Community Development in determining compliance with housing element law. Where applied, the ordinance supports increased residential densities rather than decreased densities. Therefore, it would not reduce the residential density for any parcel below that used by the Department of Housing and Community Development in determining compliance.</p>	

C. Findings for Consistency with the Coastal Act.

The following table identifies the evidence which supports finding that the proposed Coastal Accessory Dwelling Unit Ordinance is consistent with the Coastal Act.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>5. Consistency with the Coastal Act Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)</p>	<p>That the proposed zoning ordinance amendments comply with the requirements of the Coastal Act with respect to9 coastal access, recreation, marine resources, land resources, development, and industrial development.</p>
<p>Evidence Supporting Finding 5.</p>	
<p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access) <i>Facts.</i> The proposed ordinance allows for new development adjacent to or within existing or new approved single family or multifamily residences. Impacts on coastal resource access would be evaluated under the same controls and conditions as the primary residences.</p>	
<p>Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes) <i>Facts.</i> The proposed ordinance allows for new development adjacent or within existing or otherwise approved single family or multifamily residences. For new construction, impacts on coastal recreation are subject to the same controls and conditions as the proposed primary residences. Where ADUs are converted from or added to existing residences, a coastal development permit is required, and assesses recreation impacts in accordance with the local coastal plan. The ordinance will protect existing lower cost visitor-serving facilities by removing the need for their use as housing for lower income and seasonal workers in the coastal zone. Because ADUs are associated with existing residences, they prevent conversion of potential recreational properties to housing affordable to lower income residents. ADU locations are widely disbursed compared with</p>	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>5. Consistency with the Coastal Act</p> <p>Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)</p>	<p>That the proposed zoning ordinance amendments comply with the requirements of the Coastal Act with respect to9 coastal access, recreation, marine resources, land resources, development, and industrial development.</p>
<p>Evidence Supporting Finding 5.</p>	
<p>other affordable income types, which prevents overloading of recreational resources.</p>	
<p>Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p><i>Facts.</i> The proposed ordinance protects marine biological resources by incorporating standards for ADUs for water accessibility, sewer and waste disposal requirements, and the same requirements for compliance with health and safety standards as other residential development.</p>	
<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p><i>Facts.</i> The proposed ordinance protects agricultural and timber land by limiting the building envelope to two acres per parcel located, where feasible, in the area of lowest agricultural productivity. ADUs in certain designated areas (mapped Special Permit Areas) would require a Special Permit, where historical or archaeological resources exist, or where adequacy of water and sewer services or the impact on traffic flow and public safety may be issues.</p>	
<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	
<p><i>Facts.</i> The proposed ordinance is consistent with development policies of the Coastal Act because it limits increased impacts by locating ADUs adjacent to or within existing residences. Where built outside urban areas, ADUs are dispersed to the extent single family residences are dispersed, and would not create new concentrations of population. The ordinance requires adequacy of available services. The Special Permit Area described in 69.05.6 minimizes risks to life and property. Locating new housing in rural areas and unincorporated towns responds to public reports of lack of affordable housing in these areas. The ordinance intends to allow residential development near jobs, thereby eliminating commutes from urban centers where housing is more available, and reducing VMTs and associated air pollution.</p>	
<p>Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p>	
<p><i>Facts.</i> The proposed ordinance concentrates ADU development where single family and multifamily residential development is principally permitted. By definition, this precludes areas with industrial development. As a result, the ordinance would have no impact to industrial development.</p>	

D. Environmental Review.

The proposed Accessory Dwelling Unit Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

The County's adoption of the Coastal Accessory Dwelling Unit Ordinance is statutorily exempt from CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251 (f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

Attachment 1

**Revised Inland Accessory Dwelling Unit Ordinance and
Associated General Plan Amendments**

Revised 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.

69.05.3 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 may 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 manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting requirements, and foundation or setup configurations as described in Section 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 if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply.

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 space of a single-family dwelling, or within the existing space of a single-family dwelling or accessory structure, and may include an expansion of 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 JADU is allowed on the lot, if the ADU or JADU is within an single-family structure or accessory structure as described in subsection 69.05.3.8.1, and:

- (a) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet.

69.05.3.8.3 ADUs in Existing Multifamily Structures

Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage

rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit 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 service district, resort improvement district, or community service district that is under a moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an Accessory Dwelling Unit.

69.05.4.2 Building Site.

The 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.

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.
- (e) A Moveable Tiny House need not be connected to a source of electrical power, but if it is, the installation shall be in accordance with the California Electrical Code, Part 3, Title 24, California Code of Regulations.

69.05.6 ADU Special Permit Area.

Lots located in the ADU Special Permit Area, 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) Flood and tsunami hazards; and
- (e) Proximity to toxic cleanup sites as designated by California Department of Toxic Substances.

On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions above, an ADU may be allowed with a Special Permit if 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.

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 the 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~~ 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 (1/2) 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
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 1B – General Plan Amendments

Chapter 4 – Land Use Element

FR-P10. Secondary Residential Construction on TPZ Zoned Parcels. ~~Second residential units~~ Accessory Dwelling Units may be allowed on TPZ parcels greater than 160 acres, and on parcels less than 160 acres only in the area already converted, intended to be converted, or that does not meet the definition of timberlands. ~~Second units~~ Accessory Dwelling Units may be allowed on TPZ parcels of less than 40 acres within Community Planning Areas.

FR-P18. Transfer of Development Rights (TDR) Program. Research and develop, if feasible, a voluntary Transfer of Development Rights program as a method of protecting larger tracts of resource lands based on community input. The density credit would not count ~~second units~~ Accessory Dwelling Units in the calculation.

Table 4-B Residential Land Use Designations

Allowable Use Types	RM	RL	RE	RA
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit	X	X	X	X
<u>Accessory Dwelling Unit</u>	X	X		
Multi-Family Residential	X	X		
Manufactured Home Parks		X	X	X
Guest House	X			
Group Residential	X	X	X	X
Planned Developments	X			
Emergency Shelter	X			
Transitional Housing	X	X	X	X
Residential Accessory Uses ¹				
Other				
Cottage Industry	X	X	X	X

Allowable Use Types	RM	RL	RE	RA
Bed & Breakfast Inns	X	X	X	X
Community Assembly	X	X	X	X
Neighborhood Commercial	X	X	X	X
Non-Commercial Recreation	X			
Office and Professional	X	X	X	
Private Institution			X	X
General Agriculture			X	X
Intensive Agriculture			X	X
Stables & Kennels			X	X
Timber Production	X	X	X	X
Fish & Wildlife Management	X	X	X	X
Essential Services				
Similar Compatible Uses				
Development Standards				
Density Range	7 to 30 units per acre, as specified on map	1-8 units per acre, as specified on map	1 to 5 acres per unit, as specified on map	5 to 160 acres per unit, as specified on map
Max. Floor Area Ratio	1.00	0.40	0.20	0.10
Additional Provisions	per zoning	per zoning	per zoning	per zoning

1. Residential Accessory Uses include Community Care Facilities, Family Day Care Center, and Family Day Care Home.

2. Coastal:

- The coastal RE & RL designations allow neighborhood commercial, private institution, private recreation
- The coastal RM designation allows duplexes, guest houses, hotels & motels, private institution

Table 4-D Mixed Use Land Use Designations

Allowable Use Types	MU	VC	RCC	UR/ ¹
Residential				
Single Family Residential	X	X	X	X
Second Residential Unit				
<u>Accessory Dwelling Unit</u>	X	X	X	
Multi-Family Residential	X	X	X	
Manufactured Home Parks		X	X	
Group Residential	X	X	X	
Planned Developments	X	X	X	
Emergency Shelter	X	X	X	
Transitional Housing	X	X	X	
Residential Accessory Uses ¹	X	X	X	
Commercial				
Bed & Breakfast Inn	X	X	X	
Commercial Recreation	X	X	X	
Heavy Commercial		X	X	
Neighborhood Commercial	X	X	X	
Office & Professional	X	X	X	
Private Recreation	X	X	X	
Retail Sales	X	X	X	
Retail Services	X	X	X	
Transient Habitation	X	X	X	

Allowable Use Types	MU	VC	RCC	UR/ ¹
Other				
Cottage Industry	X	X	X	X
Community Assembly	X	X	X	
Non-Commercial Recreation	X	X	X	
General Agriculture		X	X	X
Stables & Kennels		X	X	
Timber Production		X	X	X
Fish & Wildlife Management	X	X	X	X
Essential Services	X	X	X	
Similar Compatible Uses	X	X	X	X
Development Standards				
Max. Floor Area Ratio	3	2	2	
Maximum Structure Height and other development standards	per zoning	per zoning	per zoning	per zoning

1. Uses listed are allowed interim uses prior to services being available to the parcel; no subdivision is allowed. Once services are available, allowed uses and densities are defined by the land use designation following the "/", such as UR/RL which indicates that when services are available, the area may be developed according to the RL designation.
2. Family day care centers are considered an accessory commercial use.

Table 4-G Resource Production Land Use Designations

Allowable Use Types	T	AE	AG
Agricultural			
Agriculture-Related Recreation		X	X
Feed Lot/Slaughter House		X	X
General Agriculture	X	X	X
Hog Farming		X	X
Intensive Agriculture		X	X
Stables & Kennels		X	X
Timber			
Timber Production	X	X	X
Timber-Related Recreation	X		X
Commercial			
Agriculture-Related Visitor-Serving ¹		X	X
Timber-Related Visitor-Serving ²	X		X
Industrial/Extractive			
Agriculture & Timber Products Processing	X	X	X
Aquaculture	X	X	X
Oil & Gas Drilling & Processing	X		X
Metallic Mining	X	X	X
Surface Mining			
Natural Resource			
Fish & Wildlife Habitat Mgt	X	X	X
Public Access Facilities	X	X	X
Resource-Related Recreational	X	X	X
Watershed Management	X	X	X
Wetland Restoration	X	X	X

Allowable Use Types	T	AE	AG
Other			
Cottage Industry		X	X
Farm Employee Housing		X	X
Labor Camps	X	X	X
Public Recreation	X	X	X
Second Agriculture Residence		X	X
Utilities & Energy Facilities ³	X	X	X
Single Family Residence	X	X	X
Second Residential Unit			
<u>Accessory Dwelling Unit</u>	X	X ⁴	X ⁴
Similar Compatible Uses	X	X	X
Development Standards			
Minimum Parcel Size	40-160 acres	60 acres	20-160 acres
Ground Coverage		2 acres max.	2 acres max.
Additional Provisions	per zoning	per zoning	per zoning

¹ Agriculture-Related Visitor-Serving: cheese factories and sales rooms, wineries and wine tasting and sales rooms, produce sales, etc. which do not change the character of the principal use.

² Timber-Related Visitor-Serving: burl shops, timber museums, interpretive centers, etc. which do not change the character of the principal use.

³ Utilities & Energy Facilities: The erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric solar or biomass generation, and other fuel or energy production facilities.

⁴ Principally permitted ~~Second Residential~~ Accessory Dwelling Units shall be within the same contiguous two (2) acre building envelope containing the primary residence.

NOTE FOR ALL LAND USE TABLES: Where Development Standards are not specified, see applicable zoning regulations.

Chapter 5 – Community Services and Infrastructure Element

- IS-P3. Requirements for Discretionary Development.** The adequacy of public infrastructure and services for discretionary development greater than a single family residence and/or ~~second-unit~~ Accessory Dwelling Unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:
- A. Existing services are adequate; or
 - B. Adequacy will be attained concurrent with project implementation through project conditions; or
 - C. Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or
 - D. Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.
- IS-S1. Adequate Public Infrastructure and Services Ordinance.** Adequate public infrastructure and services standards shall be used to determine the level of infrastructure and services necessary for discretionary development greater than a single family residence and/or ~~second-unit~~ Accessory Dwelling Unit or minor subdivision. Standards shall be specified by ordinance for County provided services. County standards shall be consistent with Plan policies. Standards for non-County services should be consistent with levels of service adopted by local service providers or, if standards have not been adopted, the County shall work in coordination with the local service providers to identify generally accepted standards.

Appendix B. Glossary and Definitions

RESIDENTIAL USE TYPES

~~Second Residential Unit (Second/Secondary Dwelling Unit)~~ Accessory Dwelling Unit. The ~~Second Residential~~ Accessory Dwelling 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.

Appendix C. Community Plans

Avenue of the Giants Community Plan

Policy 4500-1. Plan density ranges are contingent on adequate service capacities. Current systems should be upgraded to be able to provide consistent, reliable water for domestic and emergency uses. Additional development (subdivisions, ~~second units~~ Accessory Dwelling Units, caretaker facilities, etc.) or improvements to existing uses will not be approved without proof of adequate service capacities.

Eureka Community Plan

3604 ~~Secondary~~ Accessory Dwelling Units

~~Secondary~~ Accessory Dwelling Units shall not be allowed on any parcel utilizing the density bonus, or on any parcel within a determined "bench" area.

ATTACHMENT 2

**Revised Coastal Accessory Dwelling Unit Ordinance and
Associated Local Coastal Plan Amendments**

Underline and ~~strikethrough~~ indicate variations from the certified LCP

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 3 OF HUMBOLDT COUNTY CODE

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 3 of the Zoning Regulations; 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 section 313-87.1, and adds revised section 313-69.05; amends section 313-107; section 313-109; section 313-136; section 313-137; section 313-148; section 313-154; section 313-155; section 313-163; section 313-177 of Chapter 3, Coastal Zoning Code; amends sections 312-6 and 312-9 of Chapter 2; 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. PROCESSING APPLICATIONS FOR PERMITS.

Section 312-6.3, Public Review, of the Humboldt County Code, regarding applications for permits and variances, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

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

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

SECTION 3. PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER.

Section 312-9 of the Humboldt County Code, regarding public hearings is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

9.2.4

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER				
Application Type	May Be Waived¹	Director²	Zoning Administrator²	Planning Commission
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission			O	O
Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section <u>312-9.2.5</u>	W			
<u>Coastal Development Permits for Accessory Dwelling Units, whether or not they are appealable to the California Coastal Commission.</u>	<u>NR</u>			
Coastal Development Permits that are not appealable to the California Coastal Commission	W	O		
Planned Unit Development Permits			O	O

“W” indicates that the Public Hearing may be waived.

“O” identifies the Authorized Hearing Officer.

“NR” indicates Public Hearing not required, pursuant to state law.

1 Subject to making all required findings of Section 312-9.2 of this Chapter.

2 The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

9.2.6

~~Second residential-Accessory Dwelling~~ units do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2.

SECTION 4. ACCESSORY DWELLING UNIT ORDINANCE

Subdivision 313-87.1 regarding Secondary Residential Units in Title III, Division 1, Chapter 3 of the Humboldt County Code is hereby repealed and replaced by 313-69.05 as follows:

313-69.05 -87.1 SECOND RESIDENTIAL UNIT ACCESSORY DWELLING UNIT

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

69.05.1 Purpose and Findings.

The provisions of this chapter are intended to set forth standards in accordance with state law for creation or conversion of at least one Accessory Dwelling Unit (ADU) per lot zoned to allow single family or multifamily dwelling residential use. In addition, this ordinance allows a Tiny House or Moveable Tiny House as defined in sections 313-155 and 313-148 as an ADU when developed consistent with this section. An ADU does not exceed the allowable density for the lot on which it is located.

For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit of less than 500 square feet entirely within another structure, that meets the criteria 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 and may be combined with a detached ADU 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. The CDP process for is described in Section 312-6 of this code.

69.05.2.1 No Coastal Development Permit Required

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

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

69.05.2.2 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.

~~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 are allowed in residential and mixed use zones as described in section 69.05.3.8.

69.05.3.2 Ownership.

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

~~87.1.3.2~~ 69.05.3.3 Renting Permitted.

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

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

~~87.1.3.4~~ 69.05.3.4 Short-term Lodging Prohibited.

Neither the ADU nor the primary residence shall be rented for periods of 30 days or less.

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

69.05.3.5 Building Type.

The ADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a Tiny House as defined in Section 313-155; a Moveable Tiny House as defined in Section 313-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code.

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

69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.

A manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting requirements, and foundation or setup configurations as described in Section 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 if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the

ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply.

87-1.3.6 69.05.3.7 Existing Single-Family Residence

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

69.05.3.8 ADU and JADU Configurations Within Residential and Mixed Use Zones

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

69.05.3.8.1 ADU or JADU Within Existing Single Family Structure

One accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling, or within the existing space of a single-family dwelling or accessory structure, and may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The ADU or JADU has separate exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, or by Fire Safe regulations if the site is within a State Responsibility Area for fire response.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

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) (a) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet.

69.05.3.8.3 ADUs in Existing Multifamily Structures

Multiple accessory dwelling units within the portions of existing multifamily dwelling

structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit shall be allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may be allowed.

69.05.3.8.4 Detached ADUs with Existing Multifamily Structures

Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, subject to a height limit of 16 feet and four foot rear yard and side setbacks.

87.1.4 69.05.4 Development Regulations and Standards, and Applicable Codes.

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

87.1.4.1 69.05.4.1 Utilities.

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes and Uniform Plumbing Codes, except that:

69.05.4.1.1 Connection Fees

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for water and sewer services as set forth in section 69.05.4.1.4, unless the accessory dwelling unit was constructed with a new single-family dwelling.

69.05.4.1.2 Impact Fees.

A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” as defined in subdivision (b) of Govt. Code Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

69.05.4.1.3 No New Connections in Existing Structures

No new or separate utility connection is shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single family residence or accessory structure and meets conditions in Section 69.05.3.8.1, unless the accessory dwelling unit was constructed with a new single family dwelling.

69.05.4.1.4 New Detached Units.

For an accessory dwelling unit that is not contained within the existing space of a single family residence or accessory structure, or does not meet conditions in Section 69.05.3.8.1, a local agency, special district, or water corporation may require a new or

separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Govt. Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either its size in square feet or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

69.05.4.1.5 Districts Under Moratoria or Compliance Orders

A district, resort improvement district, or community service district that is under a moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an Accessory Dwelling Unit.

69.05.4.2 Building Site.

The accessory dwelling unit shall be on the same lot as ~~building site shall be shared in common with the proposed or existing primary residence. main dwelling unit.~~ The residences share a common building site when they are located no further than thirty 300 feet from each other and when they share a common driveway. ~~proposed or existing primary residence.~~ Second residential units which cannot comply with these building site standards may be allowed with a Use Permit. Accessory dwelling units must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ, TC, or AE, the curtilage area for residences, ADUs, associated residential structures, driveways, 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. 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 shall not be required to provide fire sprinklers if they are not

required for the primary residence.

87.1.4.5 69.05.4.5 Development Standards: Setbacks

The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, including, but not limited to, standards for front, rear, and side yard setbacks, height, and lot coverage. No setback shall be required for an ADU or a portion of an ADU, converted from an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure. A setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

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

69.05.4.6 Parking

Each ADU requires one (1) parking space. These spaces may be provided in tandem on a driveway. Off street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

69.05.4.6.1 Exceptions to Parking Standards.

Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile walking distance of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, ADUs less than 1,000 square feet in size, no parking shall be required.

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

87.1.4.8 69.05.4.8 Services.

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

87.1.4.9 69.05.4.9 Public Access.

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

87.1.4.10 69.05.4.10 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 69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

All development associated with ~~second~~ accessory residential dwelling units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat

area or the average setback of existing development immediately adjacent as determined by the “string line method”.

87.1.4.12 69.05.4.12 Agricultural Lands.

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

69.05.4.13 Timberlands.

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

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

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

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

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

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

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

69.05.5 Moveable Tiny House as an ADU.

In addition to the other provisions of this section, Movable Tiny Houses as defined in Section 313-148 used as ADUs shall comply with all of the following provisions:

69.05.5.1 Skirting.

The undercarriage (wheels, axles, tongue and hitch) must be hidden from view.

69.05.5.2 Foundation or Pad

69.05.5.2.1 Foundation.

If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing, or follow an alternative design certified by a licensed engineer.

69.05.5.2.2 Paved or Alternate Pad.

If the wheels are not removed, the parking area shall include bumper guards, curbs, or other installations adequate to prevent movement of the unit. The wheels and leveling or support jacks must sit on a paving surface compliant with either the following.

69.05.5.2.2.1 Paving.

A parking area for a moveable tiny house on wheels shall be paved with hard, durable asphaltic paving that has been mixed at a plant and is at least two inches thick after compaction, with Portland cement paving at least three inches thick, or an alternative as described below.

69.05.5.2.2.2 Alternative Paving Materials.

An alternative paving material is one of the following: porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, and restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids.) Alternative paving materials are permitted subject to all the following requirements:

(a) Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches).

(b) Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.

69.05.5.3 Mechanical equipment

Mechanical equipment shall be incorporated into the structure and not located on the roof.

69.05.5.4 Sprinklers

Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.

69.05.5.5 Applicable Codes

Moveable Tiny Houses shall meet either the provisions of ANSI 119.5 or NFPA 1192 standards, or the provisions of the California Building Code, including 2019 CA Residential Code Appendix Q Tiny Houses or other adopted alternatives, or both.

69.05.5.6 Design standards.

Movable Tiny Houses must comply with all requirements for Detached ADUs and shall have the following design elements:

(a) Materials used as exterior wall covering shall be natural or man-made 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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.

(e) A Moveable Tiny House need not be connected to a source of electrical power, but if it is, the installation shall be in accordance with the California Electrical Code, Part 3, Title 24, California Code of Regulations.

69.05.6 ADU Special Permit Area.

Lots located in the ADU Special Permit Area are presumed to have certain water and sewer service limitations, adverse impacts on traffic flow, and/or public safety conditions that may preclude construction of an ADU, 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; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.
- (d) Flood and tsunami hazards; and
- (e) Proximity within 1000 feet of a toxic cleanup site as designated by California Department of Toxic Substances.

On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions above, an ADU may be allowed with a Special Permit if evidence shows that the health and safety conditions for which it was included do not apply to that site, or can be successfully reduced or mitigated; and the ADU is consistent with all other applicable provisions of the Local Coastal Plan.

69.05.7 Coastal Resource Protection

In order to protect coastal resources, parcels with the following characteristics may require a 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.

69.05.8 Delayed Enforcement of Building Code Violations

Any owner of an existing ADU built before the effective date of this ordinance, who receives notice of a building code violation, may request a delay in enforcement for five years. The Chief Building Official must grant the delay if the correction is not required to protect health and safety.

69.05.9 Accessory Dwelling Units Allowed With Alternative Owner Builder Residence.

An accessory dwelling unit may be permitted under the Alternative Owner Builder code, Chapter 1.5, Section 331.5 of Humboldt County Code in rural areas outside a community service district, provided that all the requirements of this code and of the Alternative Owner Builder Code are met, including that:

- (a) An inspection of the dwelling has been made by the appropriate county official(s); and

- (b) The Official(s) determine(s) that the requirements of the applicable County codes, including modifications, have been met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling; and
- (c) All other conditions applicable to accessory dwelling units have been met.

~~87.1.6 Existing Second Dwelling Units.~~

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

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

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

~~87.1.6.2.2 — the Official(s) determine(s) that the requirements of the applicable County codes, including modification thereof, have been met or substantially met, to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling, and~~

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

~~87.1.8 Waiver of Maximum Floor Area. The maximum floor area requirement may be modified or waived with a Special Permit where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314 31(H); Amended by Ord. 2167, Sec. 30, 4/7/98)~~

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

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

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

SECTION 5. DEFINITIONS

The following subdivisions of 313, Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 3 of the Humboldt County Code are added or amended to read as follows (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 six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets National Fire Protection Association (NFPA) RV 1192 standards, or if certified after January 1, 2021, meets American National Standards Institute (ANSI) 119.5 Park Model standards. Certification must be made by a qualified third-party inspector accredited through American Society for Testing and Materials.
2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power;

3. Is no larger than allowed by California State Law for movement on public highways;
4. Has at least 120 square feet of first floor interior living space;
5. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation; and
6. Substantially complies with local building, health, and safety codes as set forth in this code so that it qualifies as a permanent dwelling.

313-154 DEFINITIONS (S)

~~Second Residential Unit:~~ ~~(See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

~~Secondary Dwelling Unit:~~ ~~(See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

313-155 DEFINITIONS (T)

Tiny House. A structure intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that:

1. Is built or installed on a permanent foundation or anchored with a foundation system meeting State approved requirements for manufactured housing, or that is designed by a licensed architect or engineer to meet those requirements;
2. Is no larger than 400 square feet;
3. Has at least 120 square feet of first floor interior living space;
4. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

SECTION 6. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (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 7. 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

(a) One (1) parking space for each accessory dwelling unit. These spaces may be provided in tandem on a driveway. Offstreet parking shall be permitted in setback areas or through tandem parking, unless parking in setback areas or tandem parking is not feasible based specific site conditions, or regional topographical conditions, or fire and life safety conditions.

(b) Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, ADUs less than 1,000 square feet in size, no parking shall be required.

SECTION 8. USE TYPE AND CLASSIFICATION

Subdivision 313-163 of Chapter 3, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification, is amended to read as follows (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 9. RESIDENTIAL USE TYPES

Subdivision 313-177 of Chapter 3, Section D, Part 2 of the Humboldt County Code, Glossary of Use Types, is amended to read as follows (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

313-6.1 RS: Residential Single Family		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
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
Maximum Lot Depth	Three (3) times the lot width.	
Maximum Density	<p>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. plus accessory dwelling unit(s). <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>	
Minimum Yard Setbacks***		
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.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group

313-6.2 RM: RESIDENTIAL MULTI-FAMILY

313-6.2 RM: Residential Multi-Family	
	Principal Permitted Use
	Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)
Use Type	Conditionally Permitted Use
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.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	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	
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
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.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Manufactured Homes in Manufactured Home Parks; Ancillary Residential. 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.
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313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
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
Maximum Lot Depth	Four (4) times the lot width.	
Maximum Density	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. <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>	
Minimum Yard Setbacks***	Minimum Lot Size Less Than 2.5 Acres	Minimum Lot Size 2.5 Acres or Greater
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.
Maximum Ground Coverage	Thirty-five percent (35%)	
Maximum Structure Height	Thirty-five feet (35').	
Permitted Main Building Types	Residential Single Detached; Ancillary Residential	
	Limited Mixed Residential - Nonresidential	
	Nonresidential Detached or Multiple/Group	

SECTION 10. 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

313-7.1 AE: Agriculture Exclusive	
Principal Permitted Use	
Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
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) <u>Single Family Residential 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

313-7.2 TC: Commercial Timber	
Principal Permitted Use	
Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential. A Use Permit is required for a second single family residence other than an Accessory Dwelling Unit.
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.
Use Type	Compatible Uses Permitted with a Special Permit
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

313-7.3 TPZ: Timberland Production Zone	
Principal Permitted Use	
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	A Use Permit is required for a second single family residence other than an Accessory Dwelling Unit.
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.
Use Type	Compatible Uses Permitted with a Special Permit
Residential Use Types	Labor Camp
Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration

ATTACHMENT 2B LOCAL COASTAL PROGRAM AMENDMENTS

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

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.23 TIMBERLANDS

B. Development Policies

1. Identification of Timberlands

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

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. A second dwelling unit that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

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

SECTION 11. HUMBOLDT BAY AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.10 A. URBAN LAND USE DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator~~, or one-owner occupied residence and one accessory dwelling unit, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator~~, or one-owner occupied residence and one accessory dwelling unit, and principle permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

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

Chapter 3 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.33 AGRICULTURE

B. COMPATIBLE USES

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

3.34 TIMBERLANDS

B. COMPATIBLE USES

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

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ A second dwelling ~~that is not an accessory dwelling unit~~ shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05.

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

Chapter 5 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services as allowed by Section 3.36B of this document.

RR: RURAL RESIDENTIAL

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

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

PRINCIPAL USE: Production of food, fiber or plants, as provided in Section 3.54 with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit; barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Trinidad Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.24 TIMBERLAND

A. PLANNED USES

1. Identification of Timberlands

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

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as not to ~~not~~ constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.

Chapter 4 of the Trinidad Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

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

CR COMMERCIAL RECREATIONAL

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

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

RR RURAL RESIDENTIAL

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

RV RURAL VILLAGE

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 B2. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at Section 313-69.05.

TC COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.24 of this document, and principal uses permitted under AEP ~~except second dwelling~~.

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

MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the McKinleyville Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the McKinleyville Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

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

AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS

PERMITTED USE: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached residence and one accessory dwelling unit; and the principle permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AG: AGRICULTURE/GENERAL

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

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

Chapter 3 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit

shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels of 60 acres or larger, a second house ~~for parents or children of the owner-operator~~ shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be permitted without discretionary review, and without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structure for owner and caretaker. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. ~~A~~ The second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

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

Chapter 5 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURE/GENERAL

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

5.30 RURAL PLAN DESIGNATIONS

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

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

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

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator~~, or one owner-occupied detached and one accessory dwelling unit; and principal uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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

PERMITTED USE: production of food, fiber, or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator~~, or one owner-occupied detached and one accessory dwelling unit; and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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

PERMITTED USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator, ~~and the other by the parent or child of the owner/operator~~, or one owner-occupied detached and one accessory dwelling unit; and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

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

Chapter 3 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. The An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.

Chapter 5 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

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

RL: RESIDENTIAL/LOW DENSITY

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

5.30 RURAL PLAN DESIGNATIONS

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PERMITTED USE: production of food, fibre or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator ~~and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit;~~ and principal permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

SECTION 24. 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__

Rex Bohn, 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

ATTACHMENT 3

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTIONS 351.5-2, 331.5-3, 331.5-5, 331.5-6, 331.5-7, and 331.5-17 OF CHAPTER 1.5 OF DIVISION 3 OF TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO MODIFIED LIMITED DENSITY OWNER-BUILDER RURAL DWELLING REGULATIONS (FOR ALTERNATIVE OWNER BUILDERS)

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

SECTION 1. Sections 331.5-2, 331.5-3, 331.5-5, 331.5-6, 331.5-7, and 331.5-17 are hereby amended to Chapter 1.5 of Division 3 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2020.

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors—

Chair of the Board of Supervisors of the County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
County of Humboldt

TITLE III – LAND USE AND DEVELOPMENT
DIVISION 3
BUILDING REGULATIONS
CHAPTER 1.5 MODIFIED LIMITED DENSITY OWNER-BUILT RURAL DWELLING
REGULATIONS (FOR ALTERNATIVE OWNER BUILDERS)

331.5-2. PURPOSE AND INTENT.

The modifications contained in this chapter are intended to permit, under specified circumstances, the use of the ingenuity and preferences of individual builders of dwellings ~~intended for occupancy by the builder~~ in designated areas of Humboldt County, while at the same time maintaining minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the occupants of dwellings constructed pursuant to this chapter. It is further intended to allow the use of substitute materials and procedures and alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by these modifications.

In applying these modifications, the Chief Building Official shall have the authority to exercise reasonable judgment in determining compliance with all requirements of this chapter.

331.5-3. APPLICATION.

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built, owner-occupied dwellings, owner-built accessory dwelling units, and appurtenant structures in rural areas in Humboldt County. Such dwellings and appurtenant structures shall include seasonally or permanently occupied dwellings, hunting shelters, vacation homes, recreational shelters and detached bedrooms used solely by the owner of the dwelling except for owner-built accessory dwelling units which may be used by persons other than the owner of the dwelling.

331.5-5. DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the meanings given below:

(a) Accessory Dwelling Unit. For the purposes of this section, an Accessory Dwelling Unit is any structure consisting of one or more habitable rooms intended or designed for single family occupancy with all basic facilities for living and sleeping which is situated or is to be situated in a rural area to which the provisions of this chapter are applicable and which is accessory to an existing single family residence on the same property.

(a b) Detached bedroom. A separate accessory structure without kitchen or sanitation facilities, designed for and used primarily as a sleeping facility in conjunction with a main structure which includes kitchen and sanitation facilities.

~~(b c)~~ Graywater. ~~All domestic wastewater obtained from the drainage of showers, bathtubs, kitchen sinks, lavatories, and laundry facilities, exclusive of water utilized for the transport and disposal of body eliminations. As defined in HCC Title IV, Div. 1 611-2 “Graywater” means untreated wastewater that has not been contaminated by any toilet discharge; has not been affected by infectious, contaminated, or unhealthy bodily wastes; and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Graywater as defined above has the same meaning as “gray water,” “grey water,” and/or “greywater.”~~

(e d) Owner-occupied rural dwelling. Any structure consisting of one or more habitable rooms intended or designed for single family occupancy with all basic facilities for living and sleeping which is situated or is to be situated in a rural area to which the provisions of this chapter are applicable and which is owned by one or more members of the family occupying the structure.

~~(d e)~~ Owner-built. A structure owned and constructed by any person of family who acts as the general contractor for, or as the provider of, all or the major part of the labor expended to build the structure ~~and which is to be occupied as the principal residence of that person or family.~~

(e f) Rural or rural area. That part of Humboldt County which is outside boundaries of any incorporated city, a community services district, a sphere of influence as designated by the Humboldt County Local Agency Formation Commission (or a city planning area established pursuant to Section 65300 of the Government Code in the absence of a designated city sphere of influence), or outside of an urban limit line as designated in the Humboldt County Land Use Plans. “Rural” or “rural area”, for the purposes of this chapter, also includes any area which is within a community services district or sphere of influence which is located beyond the reason located beyond the reasonably projected availability of water or sewer services, and which is zoned to permit residential use either as a principal use or with a conditional use permit.

The written determination by a city or community services district as to whether or not community services will be available to any parcel in the foreseeable future, based upon reasonable projections, shall be used as the primary basis for deciding if land for which a permit is sought pursuant to this chapter is located beyond the reasonably projected availability of community services.

(f g) Sound structural condition. “Sound structural condition” means a structure in which:

- (1) Any plumbing, any fireplace, wood stove or other source of heat, and electrical wiring, which has been built in conformance with and conforms to the applicable codes and which has been and is maintained in a good condition so as to present no unreasonable risk of health and safety; and
- (2) The fireplace or chimney does not list or bulge and has not settled due to defective material or deterioration, and in which fireplaces and chimneys are of sufficient size to carry imposed loads with safety.

(g h) Substandard building. A structure in which there exists any condition that abnormally endangers the life, limb, health, or safety of anyone within or outside of such structure.

331.5-6. PERMIT APPLICATIONS.

Permits shall be required for the construction or repair of owner-built, owner-occupied rural dwellings, owner-built accessory dwelling units, and appurtenant structures. Applications for a permit pursuant to this chapter shall be made to the Chief building Official. Permit applications shall contain the following information:

- (a) Name and mailing address of the applicant;
- (b) The location, Assessor's parcel number, and address (if known) of the site where the proposed structure is to be built;
- (c) A general description of the structure and the intended use (where applicable), mechanical installations with all clearances and venting procedures detailed, electrical installations, and fire safety details;
- (d) A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water source and water ways;
- (e) If the application being made pertains to a dwelling structure, application shall be made concurrently for approval by the County Department of Public Health of the installation of sewage or waste disposal facilities;
- (f) In the case of dwellings, a certification by the applicant that the dwelling is to be owner-built, ~~owner-occupied~~ and used only for residential purposes;
- (g) The plan provided for in Section 331.5-8 of this chapter;
- (h) Such other necessary data or information as may be required by the Chief Building Official to implement these regulations.

331.5-7. FREQUENCY OF PERMITS.

No more than one (1) building permit for initial construction of an owner- built, ~~owner-occupied~~ dwelling in a rural area shall be issued to the same person in any ~~five (5)~~ two year period.

331.5-17. CHANGES IN OCCUPANCY.

The occupancy of a structure constructed in accordance with a permit issued pursuant to this chapter by anyone other than the owner-builder of that structure constitutes a change in occupancy.

Upon a change in occupancy, no new occupancy of the structure shall occur until either:

- (a) Each new adult occupant files with the Chief Building Official a statement under penalty of perjury stating that he/she is occupying the structure with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes and from which the occupant holds the County, its officers, employees and agents harmless. The occupant shall also agree, as a condition of the new occupancy permit, to abide by all applicable conditions of the building permit under which the structure was constructed; or
- (b) The building is brought into compliance with the provisions of Title 25, Article 10, of the California Administrative Code or the appropriate Uniform Building Code standard.

For the purposes of this section “occupancy” means actual physical occupation for the premises rather than a change in type of use as typically defined in uniform codes.

Attachment 6

Tiny House Building Code

APPENDIX V
TINY HOUSES

adopted as
Appendix Q

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AV101
GENERAL

AV101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with the *International Residential Code* except as otherwise stated in this appendix.

SECTION AV102
DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the *International Residential Code* for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the *emergency escape and rescue opening* requirements in Section R310.2.

LANDING PLATFORM. A landing measuring two treads deep and two risers tall, provided as the top step of a stairway accessing a *loft*.

LOFT. Any floor level located above the main floor and open to it on at least one side, with a *ceiling height* less than 6 feet 8 inches (2032 mm), complying with the area, access, and guard requirements of Section AV104, and used as a living or sleeping space.

TINY HOUSE. A *dwelling* which is 400 or less square feet (37 m²) in floor area excluding *lofts*.

SECTION AV103
CEILING HEIGHT

AV103.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a *ceiling height* not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a *ceiling height* not less than 6 feet 4 inches (1930 mm). No obstructions shall extend below these minimum ceiling heights including beams, girders, ducts, lighting, or other obstructions.

Exception: *Ceiling heights* in *lofts* are permitted to be less than 6 foot 8 inches (2032 mm).

SECTION AV104
LOFTS

AV104.1 Minimum loft areas. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²)

AV104.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from *lofts* shall be of any type described in Sections AV104.2.1 through AV104.2.4

AV104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5

AV104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at all points at or above the permitted handrail height. The minimum width below the handrail shall not be less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm) measured vertically from the sloped line connecting the tread nosings in the middle of the tread width.

Exception: The headroom for *landing platforms* shall not be less than 4 feet 6 inches (1372 mm).

AV.104.2.1.3 Treads and Risers. Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and a maximum of 12 inches (305 mm). Tread depth and riser height shall be calculated with the following formulas:

$$\begin{aligned} \text{Tread depth} &= 20 \text{ inches (508 mm) minus } \frac{4}{3} \text{ riser height} \\ &\text{OR} \\ \text{Riser height} &= 15 \text{ inches (381 mm) minus } \frac{3}{4} \text{ tread depth} \end{aligned}$$

Exception: *Landing platforms* shall measure two treads deep and two risers tall.

AV104.2.1.4 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.5 Stairway guards. *Guards* at open sides of stairways shall comply with Section R312.1.

AV104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AV104.2.2.1 and AV104.2.2.2

AV104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have 12 inches (305 mm) minimum rung width and 10 inches (254 mm) to 14 inch (356 mm) spacing between rungs.

Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AV104.2.3 Alternating tread devices. *Alternating tread devices* accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.2.4 Ships ladders. *Ships ladders* accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.3 Loft guards. Loft *guards* shall be located along the open side(s) of lofts located more than 30 inches (762 mm) above the main floor. Loft *guards* shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less.

SECTION AV105 EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. *Tiny houses* shall meet the requirements of Section R310 for *emergency escape and rescue openings*.

Exception: *Egress roof access windows* in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.

COMMENTER'S REASON

During the Committee Action Hearings in Kentucky, IRC Committee members explained their disapproval of RB168-16, but also their support for addressing the issue of small houses. In the published reasons the Committee stated “The issue of small houses and apartments is important,” and that “The IRC needs to address them in some fashion.” They encouraged further development of the proposal, stating “There needs to be a more comprehensive approach”, and that “The concept of smaller houses may be more suited for an appendix.”

This Public Comment follows the Committee’s advice by replacing the original piecemeal proposal with a proposed appendix that takes a “more comprehensive approach”. It also reduces the 500 square foot threshold for “small houses” in the original proposal to the widely accepted threshold of 400 square feet for “tiny houses”. At that smaller size there is increased difficulty in meeting certain dimensional requirements of the IRC; however, through years of practice by tiny house advocates and years of extensive use of comparably sized “recreational park vehicles” governed by ANSI A119.5, safe alternative dimensions and other requirements have been established that are included in the proposed appendix.

In the published reasons the Committee finally noted that “Small houses are a growing concern, [and] the demand for them is increasing.” The reasons for that growing demand are both environmental and financial in nature. Below are statistics illustrating problematic housing trends, the environmental impacts of construction, the cost of home ownership, and how tiny houses can be a part of the solution. That is followed by specific reasons for the code language in the proposed appendix.

- The average **home size** in the U.S. increased 61% since 1973 to over 2600 square feet. In that time period the average household size decreased, leading to a 91% increase in home square footage per inhabitant (1000 SF per person) (source: US Census Bureau).
- The average house in the U.S. uses approximately 17,300 board feet of **lumber** and 16,000 square feet of other wood products. A 200 square foot tiny house uses only 1,400 board feet of lumber and 1,275 square feet of additional wood products. The lifetime conditioning costs can be as low as 7% of a conventionally sized home.
- United States Green Building Council (USGBC), the California Energy Commission (CEC), and other entities are working hard to increase energy efficiency in the construction industry. This is a great start, however a reduction in home size is the easiest way to lower energy consumption.
- National home ownership fell to 63.7% in 2015, the lowest level in two decades. **Increased housing cost is cited as the main reason for low ownership** rate. (source: Joint Center for Housing Studies (JCHS) at Harvard University)

- The **average home** in the United States **costs** approximately \$358,000 to build, an increase of roughly \$200,000 since 1998, whereas the average annual income in the United States has remained unchanged for the last several years, lingering near \$52,000. (source: US Census Bureau)
- The average American spends roughly 27% of their annual income on housing (nearly 11 hours of every 40-hour work week). 48% of households making less than \$30,000 annually pay more than half of their income on housing, leaving these households less than \$15,000 a year to purchase food, health care, education, clothing, and anything else. (source: JCHS)
- The cost of new construction for a 200 square foot tiny house can be as low as \$35,000. A typical down payment on an average-sized house is \$72,000, more than twice the full **cost** of a tiny house.
- Cities benefit from tiny house ordinances. With significant need for **affordable housing**, cities are hard-pressed to find solutions that quickly expand their low-income housing stock without burdening an already burdened system. Tiny houses can be quickly installed in municipalities and set up at little or no cost to the cities.
- Although not addressed in the proposed code language of this public comment, it is important to recognize the need for codes pertaining specifically to **movable** tiny houses. For some people, homeownership is heavily impacted by the **cost of land** and even the construction of a fixed tiny house becomes unattainable. For those individuals, the presence of movable tiny houses in the building code may create their only path to home ownership. The **flexibility** of a movable tiny house allows individuals to locate their homes in areas of community living or on ancillary home sites, without the burdensome cost of a single-family lot. It also allows them to take their home with them should they need to **relocate**, thus eliminating many typical **costs of moving**.

Tiny houses can play an important role in minimizing the environmental impacts of housing while providing safe and healthy homes at affordable prices. Pride of ownership improves neighborhoods and community morale. Tiny houses enable more people to become homeowners and contribute to their communities.

REASONS FOR DEFINITIONS:

EGRESS ROOF ACCESS WINDOW. Most manufacturers use this term for their skylights and roof windows that are designed to satisfy the dimensional requirements of emergency escape and rescue openings in U.S. building codes.

LANDING PLATFORM: The design in this definition has demonstrated in practice to allow for the safe transition between stairways and lofts. The large tread depth provides

adequate standing space while the tall riser allows for a simple transition between standing and kneeling when entering or exiting the loft. (See photos)

LOFT. This definition is a modified version of the definition of loft area in Section 1-3 of ANSI A119.5 Recreational Park Trailer Standard and differentiates a loft from a mezzanine and habitable attic within this code.

TINY HOUSE. This definition is based on the widely accepted maximum square footage for tiny houses in the construction industry.

REASONS PER SECTION:

AV103. CEILING HEIGHT: The minimum ceiling height for non-loft habitable spaces in this proposed appendix is 6 feet 8 inches. Though lower than the 7 foot minimum for habitable spaces in the IRC, it is higher than the minimum of 6 feet 6 inches in Section 5-3.5.4 of ANSI A119.5 Recreational Park Trailer Standard, that has proven to provide safe and adequate head room during the extended occupancy of recreational park trailers.

AV104 LOFT: Tiny houses have considerably smaller footprints and building height than conventional houses. As such, lofts are essential to maximize the use of space in tiny houses and make them viable shelter for many individuals and families.

It is common knowledge to many building inspectors that spaces labeled “non-habitable storage” in dwellings of all sizes are sometimes used for sleeping or other habitable purposes once the final inspection is complete. Rather than being unable to enforce a falsely stated use, building departments could regulate the health and safety of those spaces for their intended use with the proposed appendix, ensuring health and safety with minimum loft dimensions, requirements for access and egress, and proper emergency escape and rescue openings.

MINIMUM AREA and MINIMUM DIMENSIONS: Lofts in tiny houses are small by necessity; however, minimum dimensions are required for lofts used as a living or sleeping space, so as to not impose a risk to occupant health and safety.

HEIGHT EFFECT ON LOFT AREA: For most roof designs in tiny houses, a minimum ceiling height of 3 feet has proven adequate in sleeping lofts for consideration of their required floor area. For gable roofs with moderate to high slopes, the slope has an aggressive impact on the loss of ceiling height but makes up for it with higher areas under the ridge. Thus lofts under gable roofs with a minimum 6:12 slope have a lesser minimum ceiling height when calculating their required floor area.

STAIRWAY WIDTH: These dimensional requirements are identical to those in Section 5-10.4.1.1 of ASNI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

STAIRWAY HEADROOM: Because tiny houses are limited in square footage and height , IRC compliant head heights for stairs serving lofts are often not achievable. Therefore the stair headroom requirement has been reasonably reduced to 6 feet 2 inches. The inclusion of the “double tread/riser” landing platform design, with its own headroom requirement, allows for a safe transition from standing height to kneeling height, making for safe access to and egress from the loft.

STAIRWAY TREAD/RISER: This is identical to the requirements for treads/risers in Section 5-10.4.1.1 of ANSI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

STAIRWAY LANDING PLATFORM: This defines the specific, technical parameters of a landing platform in terms of height, depth, and measurement locations.

LADDERS: This is identical to the requirements for ladders in Section 5-10.5 of ANSI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

ALTERNATING TREAD DEVICES: Alternating tread devices as described in the IRC, are allowed to provide access to and egress from lofts.

SHIPS LADDERS: Ships ladders as described in the IRC, are allowed to provide access to and egress from lofts.

LOFT GUARDS: The height requirement for loft guards is identical to that for guardrails in Section 5-10.7 of ANSI A119.5.

AV105 EMERGENCY ESCAPE AND RESCUE: Due to the considerably smaller footprints of tiny houses, ceiling heights in sleeping lofts therein are often necessarily lower than minimum ceiling heights required by the IRC for sleeping rooms in larger houses. Egress roof access windows (which are specifically designed to meet the dimensional requirements of emergency escape and rescue openings) can be installed with their openings within 44 inches of the loft floor, thus meeting the requirements of Section R310 when wall mounted windows meeting these requirements are not possible.

BIBLIOGRAPHY:

ANSI A119.5 Recreational Park Trailer Standard - 2009 Edition

SUPPLEMENTAL INFORMATION No. 1

For Planning Commission Agenda of:
May 7, 2020

- | | | |
|-------------------------------------|----------------------------|---|
| <input type="checkbox"/> | Administrative Agenda Item | } |
| <input type="checkbox"/> | Continued Hearing Item | } |
| <input checked="" type="checkbox"/> | New Hearing Item | } |
| <input type="checkbox"/> | Old Business Item | } |
| <input type="checkbox"/> | New Business Item | } |

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

1. Revised Section 69.05.3.8.1 and 69.05.3.8.2 of the Draft Inland Accessory Dwelling Unit (ADU) Ordinance and Draft Coastal Accessory Dwelling Unit Ordinance, May 6, 2020, making revisions to the text in order to align with state housing law, Gov't. Code Sections 65852.2(e)(1)(A) and (B).

Subdivision 314-69.05.3.8 of the Draft Inland Accessory Dwelling Unit Ordinance in Title III, Division 1, Chapter 4 of the Humboldt County Code should read as follows:

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.~~

Subdivision 313-69.05.3.8 of the Draft Coastal Accessory Dwelling Unit Ordinance in Title III, Division 1, Chapter 3 of the Humboldt County Code should read as follows:

9.05.3.8.1 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~~ 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 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~~ ADU or JADU is allowed on the lot, if the ~~ADU or JADU~~ 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.

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



June 2, 2020

5

County of Humboldt Planning Commission
825 5th 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:

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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:

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on my 5-acre property located in that area.**

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

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1st Question: Does the County have a choice?

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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
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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

SUPPLEMENTAL INFORMATION No. 1

For Planning Commission Agenda of:
June 4, 2020

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Hearing Item	} [REDACTED]
<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. Public comment – email from T Mulder 5/21/20.
2. Public comment – email from K Dreyer 5/21/20.
3. Public comment – email from D Wiengandt 4/28/20.
4. Public comment – email from J Delson 5/22/20.
5. Public comment – email from L Henderson 5/25/20.

FW: ADU policy

Richardson, Michael <MRichardson@co.humboldt.ca.us>

Thu 5/21/2020 10:57 AM

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

Cool stuff!

From: Thomas Mulder <hrh707@outlook.com>

Sent: Thursday, May 21, 2020 10:56 AM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Subject: Re: ADU policy

Thank you for the clarification and additional comments! I figured the coastal portion would have more issues than the inland (personally I'm not involved in any future developments in the coastal zone so it won't hinder my development ideas). I personally feel the 1,200 sqft is more than sufficient to have an ADU . My modest 2 bedroom fully permitted cabin on my TPZ parcel is only 900sqft . I personally feel if that number went above 1,200 principally permitted it could potentially drive this policy away from more affordable housing as homes would be more costly to build. We don't have enough 1-2 bedroom places available to rent in southern Humboldt especially so if you are working towards affordable housing going above 1,200 sqft could undermine that objective.

Thank you

Thomas Mulder

Get [Outlook for iOS](#)

From: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Sent: Thursday, May 21, 2020 9:19:40 AM

To: hrh707@outlook.com <hrh707@outlook.com>

Subject: RE: ADU policy

Hi Thomas,

Thanks for checking in.

Yes, it's the same for the inland version. The coastal version is being tinkered with to address the Coastal Commission's concerns, but the changes are pretty minimal.

We'll be presenting some alternatives to the Commission for their consideration that respond to some of the comments we've heard recently. See the attached emails.

Also, there's another section of the zoning ordinance that needs to be modified to align with the ADU ordinance – see the attached. It needs to be modified to carve out an exception to allow ADU's to be 1,200 square feet in area rather than 1,000 square feet, and instead of a 15' height limit it needs to be 16' for ADU's.

Let me know if you have any questions.

- Michael R.

From: Thomas Mulder <hrh707@outlook.com>

Sent: Thursday, May 21, 2020 9:07 AM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Subject: ADU policy

Hello I just wanted to double check the ADU policy is the same as was originally going to be presented to the PC a couple months back? I scanned through it and didn't see any changes that jumped out at me.

Thank you

Thomas Mulder

Get [Outlook for iOS](#)

From: Kevin R Dreyer <kevinrdreyer@gmail.com>
Sent: Thursday, May 7, 2020 3:11 PM
To: Richardson, Michael
Cc: Bonnie Oliver; Maya Conrad; Kevin Jenkins; McGuigan, Connor; Ford, John; Miller, John
Subject: Re: MckMAC meeting May 13th? and ADU ordinance

Hello Michael,

Good luck tonight with the planning commission. I have a few remarks about the ADU ordinance, and I'm sorry they're a bit delayed. I focused mainly on reading the interior areas, I only glazed through the coastal zone one so far.

Comments/ If I read it right.....

A. In the Manufactured Home category. 1.The draft ordinance says that the mobile home must have been built within 10 years of the date of the permit application.

I think that in many cases much older manufactured homes are in very sound and quite nice condition. I think this age restriction is onerous.

2. The Architectural requirements may be onerous, *i.e. must have at least a 6" eve all the way around. Some have eves only on the long sides and not on the short ends.*

B. Tiny home: *Why must it be portable ?*

C. AOB: *Love this !*

D. Square footage : I see it says that the 50% of the main house restriction is only for Attached units, when I first read it I thought it was for **any** unit, *So I am glad to see that.*

E. Short term rental restriction: *What is the pathway to permit a Unit for Short terms rental purposes??*

Thank You Michael, Good Work!

Kevin

On Sat, May 2, 2020 at 8:34 PM Richardson, Michael <MRichardson@co.humboldt.ca.us> wrote:

Hi MMAC Town Center Subcommittee,

I hope you and your friends and families are well.

John Miller and I boldly put an ad in the Mad River Union that we're going to have a MMAC Zoom meeting on Wednesday, May 13th from 6pm to 8pm to review the responses from the Town Center survey without checking with

you first to see if that's ok. Hopefully it is. The paper called us this morning saying that they needed us to pull the trigger today if it was going to get into the paper this Wednesday, so we went for it. We'll do a better job of checking with you first next time. Please let me know one way or another if that meeting date and time will work for you. Kevin D. - should I poll the other Committee members to check their availability too, or do you want to handle that?

We're having our first Planning Commission zoom meeting this Thursday. We're pretty confident it will go well, especially after we did a walk through with the Commission. I'd like to set one of those up for MMAC too sometime next week so we can have the entire Committee participate in a meeting that resembles what we're likely to see at the real one. Wednesday 5/6 at 6:00 for ½ hour would be my preference for a dry-run zoom meeting, but I have never been more flexible in my life - I'm not planning any travel or vacations or doing much of anything else besides working to be honest. Please let me know if that meeting date and time would also work for you.

I haven't finished compiling the Town Center survey results yet for your review. I'm close though - I'll be able to send you those mid week next week.

Attached fyi are the inland and coastal Accessory Dwelling Unit (the new Second Unit) ordinances and the other related changes to the general plan, coastal plans and building codes that are going to the Planning Commission this coming Thursday evening. You're invited to check it out. The meeting starts at 6, but it may be awhile till they get to my item. Here's the link to it: <https://zoom.us/j/98784115198>. I'll be sending these same documents to Kathy Hayes to provide to the entire MMAC – that will be a duplicate of what's attached here.

Thanks for your help with all this!

Michael Richardson

Supervising Planner

Humboldt County Planning and Building Department

(707) 268-3723

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Kevin Dreyer
Realtor /Broker
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(707) 269-2400 Eureka Office
(707) 839-9093 ext. 207 Mckinleyville Office

mmilner1@suddenlink.net

From: Richardson, Michael <MRichardson@co.humboldt.ca.us>
Sent: Monday, May 11, 2020 8:05 AM
To: Deirdre Wiegandt
Subject: Re: Second Unit Ordinance

Hi Dee Dee,

The Planning Commission didn't review the ordinance - they continued the item to 5/21. We'll bring your comments forward at that time.

Talk to you soon,

- Michael R.

From: Deirdre Wiegandt <truenorthbuildingdesign@gmail.com>
Sent: Monday, May 11, 2020 7:36 AM
To: Richardson, Michael <MRichardson@co.humboldt.ca.us>
Subject: Re: Second Unit Ordinance

Hi Michael,

Hope you had a good weekend! Just checking in to see if you had an opportunity to bring my comments forward to the Planning Commission. If you did, I'm curious what the consensus was.

Thank you and kind regards,

DeeDee

On Fri, May 1, 2020 at 8:21 AM Richardson, Michael <MRichardson@co.humboldt.ca.us> wrote:
Thanks DeeDee. That's helpful. I'll bring your comments forward to the Planning Commission next Thursday.

Talk to you soon,

- Michael R.

From: Deirdre Wiegandt <truenorthbuildingdesign@gmail.com>
Sent: Thursday, April 30, 2020 2:30 PM
To: Richardson, Michael <MRichardson@co.humboldt.ca.us>
Subject: Re: Second Unit Ordinance

Hi Michael,

Thank you for the information. I certainly see your point and agree that it doesn't make sense to incentivize large second homes. Honestly, I have mixed feelings about the idea of being able to obtain a special permit and I could easily argue either side. However, I do think it's worth noting that 1200 square feet is fairly small for even a 2 bedroom home, let alone a 3-bedroom home. Since our rural community has many parcels with 5 acre minimums, the idea of being able to apply for a special permit that would allow owners to build a second home up to... let's say 1700 square feet, could allow for long-term renting opportunities for families with two or more children.

I appreciate your feedback!

Sincerely,

DeeDee

On Tue, Apr 28, 2020 at 5:42 PM Richardson, Michael <MRichardson@co.humboldt.ca.us> wrote:

Hi DeeDee,

One point of clarification is the state's adu laws are presently in effect for Humboldt County.

And as far as the maximum size of an adu allowed with a special permit, I'm not sure where the Planning Commission and ultimately the Board of Supervisors will land on that. My perspective is that adu's are intended to provide affordable housing, so it wouldn't make sense to incentivize large second homes on properties. I'm interested to hear your thoughts.

Thanks!

- Michael R.

From: Deirdre Wiegandt <truenorthbuildingdesign@gmail.com>

Sent: Tuesday, April 28, 2020 4:59 PM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Subject: Second Unit Ordinance

Hi Michael,

I have a client who may benefit from the Second Unit Ordinance hearing. If the ordinance passes, do you have any idea how much additional square footage (over 1200 sq. ft.) will be allowed with a special permit? I'm curious how they will determine maximum square footage allowed. Any guesses you have would be appreciated.

Thank you,

DeeDee

--

Deirdre Wiegandt
True North Building Design

| (707) 672-5766

--

Deirdre Wiegandt
True North Building Design
(707) 672-5766

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Deirdre Wiegandt
True North Building Design
(707) 672-5766

Feedback for the ADU ordinance, Junior ADU and Owner Builder Code..pdf

Jayne <jayne@humboldt1.com>

Fri 5/22/2020 12:07 PM

To: Milner, Mary <MMilner1@co.humboldt.ca.us>; Nielsen, Michelle <MNIelsen@co.humboldt.ca.us>

 1 attachments (30 KB)

Feedback for the ADU ordinance, Junior ADU and Owner Builder Code_.pdf;

Hi Mary and Michelle,

Here is my feedback for the ADU code, and more!

I have been able to establish a Homeless sub committee of the Government Relations Committee of the Humboldt Association of Realtors.

And I am its chair person. I have been busy making this happen.

I in part gained momentum for this by introducing my project to end homelessness to about half of the GRC and to my great pleasure it was unanimously encouraged.

I am now ready to work with the planning departments technical assistance, with the intent of also getting the support of the Board, if I am may be so fortunate. And then deploy scalable and uplifting solutions to end homelessness, throughout Humboldt and beyond.

Have a great long weekend, and I look forward to hearing from you.

Sincerely,

Jayne Delson

North Country Real Estate

The Sustainable Village

834-0251

To: Humboldt County Planning Commission

From: Larry Henderson

Date: May 25, 2020

Subject: Proposed Accessory Dwelling Unit Ordinance

Please consider the following input. I have four issues to address.

First Issue: The requirement to connect to sewer system has detrimental consequence

Section 69.05.3.6 (Sewer and Water Service) requires all new ADUs within a community service district's service area to connect to a public wastewater system. But some community service districts do not provide—nor can or plan to provide—sewerage facilities or other wastewater disposal systems. The requirement would be a de facto moratorium on ADUs in areas where the current State law would otherwise permit them.

There need be no requirement other than the ADU must comply with the requirements applicable on the primary residence or—as an alternative where service capacity is restricted—new residences.

Second Issue: The permit provisions are vague

Section 69.05.2 (ADUs Generally Permitted) provides that ADUs *may be* principally permitted in designated areas subject to specified conditions, and *may be* excluded or required to get a Special Permit in certain other designated areas.

The term “may” is discretionary. If an ADU may or may not be permitted or excluded, then the specifics must be added as to who gets to decide and what the criteria is for making the decision.

To correct the problem, delete the “permissive” text to read “is principally permitted” (rather than “may be principally permitted”), “is excluded” (rather than “may be excluded”), and “requires a Special Permit” (rather than “may require a Special Permit”).

Third Issue: The Special Permit Area provisions are improper

Section 69.05.6 provides that lots located in an 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.”

The most demanding regulatory test in constitutional law is that the requirement or prohibition is the least restrictive means to further an overriding public interest. Is there a public interest and is it more important than other interests, and what are the options and is the proposed one the least restrictive?

In this case, the County is presuming there is an overriding public interest to apply the proposed restrictions. This is wrong. Government agencies must offer genuine justifications for important decisions...real reasons that can be scrutinized by the public and courts, rather than fabricated reasons that are asserted as self-evident truths.

To correct the problem, the underlying “special consideration” for the particular restrictions should be clearly defined, and the appropriate test for permitting the ADU described.

Fourth Issue: Exclusion of ADUs in Jacoby Creek Area is unlawful

Seven ADU Special Permit Areas are listed in Section 69.05.6. Six of them are truly areas having “special considerations” that—because of real, extraordinary hazardous conditions—the public interest justifies discretionary review through the special permit process. The seventh area listed (the Jacoby Creek Area) is not comparable and should not be excluded from the ADU provisions applicable to all other residentially zoned lands not having disclosed extraordinary hazardous conditions.

The proposed text is, “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.” This is misleading, as the 5-acre density reference is not law, but policy.

There is not a legislative 5-acre minimum density limit in the Jacoby Creek area. The residential zoning in the area permits parcels 2.5 acres and smaller subject to the same requirements and restrictions of all the other similar zoned properties throughout the County.

The 5-acre density reference is to the Jacoby Creek Area Plan that was adopted nearly 40 years ago in 1982. The plan was included by reference in the updated General Plan. But the “re-adopted” plan was not updated; nor was it’s “re-adoption” completed in compliance with CEQA mandate and public noticing and hearing requirements.

The County has the choice to include or exclude the Jacoby Creek area from the general permit provisions of the ADU ordinance. This will be a discretionary decision requiring (in addition to CEQA compliance) a showing of justification and the mandatory General Plan Consistency determination.

Planning will say the area must be excluded because including it would be inconsistent with the General Plan. Again, the reference will be the 5-acre density limitation of the 40-year old Jacoby Creek Area Plan.

The 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...effectively, for all new development in that area. The problem is there currently is no plan, budget, or projected schedule for a wastewater system in the area.

The adoption of this ordinance with Section 69.05.6(g) as proposed would now make this 40-year old policy limitation a legislative mandate.

Would it be consistent with the General Plan to make the 5-acre density limitation the law? Defendable arguments can be made that the limitation is inconsistent with numerous other goals and policies throughout the plan. For one, it would conflict with the Plan's policies—and with recent State mandate—that encourages and permits critically needed new housing...urban and suburban.

There is also the question of just cause. Is there an overriding public interest for making the 5-acre density limitation a legislative mandate...what is the problem? The current zoning has been in effect for over 40 years, and there has been no cause to change. Developments have been permitted in the area at a density higher than the 5-acre limitation.

County Planning has stated that the 5-acre density limitation protects public health. Planning references a 1979 resolution of the State Water Resources Control Board. They say the resolution (No. 79-101) identified a public health hazard related to development of residences served by on-site sewage disposal systems in the Jacoby Creek area. The assertion is that the policy—and now, the strict enforcement of the 40-year old policy—was and is necessary to mitigate this hazard.

But the referenced resolution only prohibited “waiver of criteria governing the use of individual waste treatment and disposal systems in portions of the nonsewered areas tributary to Humboldt Bay between the cities of Arcata and Eureka.” The criteria that was effective then—and is still effective today—did not mandate a 5-acre minimum standard. To the contrary, with strict application of the criteria, new housing can be accommodated in non-sewered areas at a density greater than 5 acres per unit without endangering public health.

In contrast, there are NO restrictions elsewhere in the County or State necessitating a minimum 5-acre per dwelling unit density where public water service is or will be provided without sewage disposal service. There is no legitimate reason to not apply to the Jacoby Creek Community Planning Area those policies applicable to new housing development in other areas in the County or State.

My request is to delete Section 69.05.6(g) listing the Jacoby Creek area as a Special Permit Area.

Closing

I appreciate and thank the Planning Commission for considering my input and request.

Respectfully

Larry Henderson
1933 Golf Course Road
Bayside, CA 95524

SUPPLEMENTAL INFORMATION No. 4

For Planning Commission Agenda of:
June 18, 2020

<input type="checkbox"/>	Administrative Agenda Item	
<input checked="" type="checkbox"/>	Continued Hearing Item	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. Public comment – email M Delany, received 6-11-2020.
2. Public comment – letter from T Luccesi, received 6-15-2020.
3. Public comment – email from L Henderson, received 6-14-2020.
4. Public comment – letter from L Henderson, received 6-15-2020.
5. Public comment – email from B Dolf, Dept. Env. Health, received 6-15-2020.
- 5a. Public comment – email from B Dolf, Dept. Env. Health, received 6-17-2020.
6. Public comment – email from M Henderson, received 6-15-2020.
7. Public comment – email from B Great, received 6-16-2020.
8. Public comment – letter from J Valentin, received 6-16-2020.
9. Public comment – letter from M Delany, received 6-16-2020.
10. Public comment – Letter from L. Henderson 6-17-2020.

Great work!

Marc Delany <mldelany@gmail.com>

Wed 6/10/2020 6:42 PM

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

Thank you.

We need to be able to slide an ADU into a driveway along side an existing typical home in say eureka.. Is that OK now?

Also, for farm worker housing, we need composting toilets. DHS met with county residents and Mario, put out a even more restrictive local ordinance effectively prohibiting composting toilets (there are 10,000 working units in HC) based on CA's weird and unique decision that kitchen sink produces "black water" thereby requiring septic for grey water, thereby requiring septic for toilet. An odd and solely political decision. Not science based.

928 899-8531 anytime

Marc

"We have nothing to fear but fear itself" - F.D.R.

2

TO: Humboldt County Planning Commission

6/15/20

FROM: Tony Lucchesi

4747 Jacoby Creek Rd.

Bayside, CA

RE: ADU Ordinance, Jacoby Creek Area.

Dear Commissioners,

I understand that the Commission is considering three alternatives in a discussion of Section 69.05.6(g), listing the Jacoby Creek area as an ADU Special Permit area. I urge the Commission to delete the five-acre minimum density restriction for this area.

I have been a resident of Jacoby Creek since 1964, so was present when municipal water was brought to the area and also when the policy was put in place that restricted development in Jacoby Creek until “public water and public sewage disposal systems are available”. From the time this policy was enacted, many of us saw the policy as an arbitrary de facto zoning restriction a “political decision”, as opposed to one based on public benefit or water quality. Virtually no one thought that sewer service was coming to Jacoby Creek then or now.

While it is important to safeguard the watershed and public health, I argue that the current policy does exactly the opposite. The majority of the houses in Jacoby Creek were built prior to 1964 and have aging septic systems that do not meet current standards. As long as they (more or less), work though, there is little incentive for property owners and little leverage for Environmental Health to upgrade and improve these systems.

Should the County delete the five-acre minimum for Jacoby Creek, it is unknown how many parcels would be developed with ADU. It is known, though that each parcel developed with an ADU would undergo the rigorous process of meeting modern standards for onsite wastewater treatment, both for the ADU and the existing residence. Additionally, ADU rental income would create a financial incentive for property owners to replace aging septic systems.

I believe a solid argument can be made that water quality in Jacoby Creek would be improved over the long haul with the deletion of the five-acre minimum policy. In addition to the point raised above, there are an unknown number, but probably dozens at least, of unpermitted ADUs and AirBnBs, etc. that are tied into existing aging wastewater systems. Deletion of the five acre policy would be an incentive to bring these into compliance.

Aside from this point, there is no logic in treating Jacoby Creek any differently than any other incorporated area of Humboldt County. The five-acre policy restriction is an arbitrary construct and I have never seen any argument or logic presented for it, as opposed to a one, two, etc. acre parcel size limitation. As is, it serves only as an artificial barrier to construction of badly needed affordable housing units in a desirable area.

Thank you,



Tony Lucchesi

707-498-0679

LARRY HENDERSON

1933 Golf Course Road • Bayside, CA 95524
707-826-0867 • henderson95524@gmail.com

3

June 14, 2020

Michael Richardson
Humboldt County Planning Department
Eureka, Ca 95501

Re: **Accessory Dwelling Unit Ordinance**

Michael:

As you know, I support the ADU Ordinance, as modified to date by the Commission, provided Section 69.05.6(g) is deleted. That section lists the Jacoby Creek Area as an ADU Special Permit Area district and sets a 5-acre density restriction for the Area.

If I understand correctly, Planning will be presenting to the Commission three alternatives regarding the Section: Keep it, delete it, modify it. While I have not seen the recommendation for the third alternative, I expect the modification would only change the Section from a fixed restriction to a more temporary restriction pending review of the Jacoby Creek Community Plan density policies.

Of course, I and other property owners in the area are opposed to any special restrictions for the Jacoby Creek Area without first updating the community plan with full participation of all stakeholders. Hence, we would be opposed to Planning's first and third alternatives.

As we see it, the issue goes beyond the ADU ordinance. The issue and decision is about how the Jacoby Creek Area and the other non-sewered areas in the County are treated...differently or alike? We see two options: (Option A) treat Jacoby Creek Area and the other non-sewered areas in the County *differently* with a special density restriction for Jacoby Creek; or (Option B) treat Jacoby Creek Area and the other non-sewered areas in the County *alike* with no density restriction.

Previously, I told you and the Planning Commissioners that I believed that strict application of the Jacoby Creek Community Plan's 5-acre density restriction would be both consistent and inconsistent with the General Plan. However, after looking more closely at the General Plan, I now believe that a finding cannot be made that the restriction is consistent. The assertion that it might be consistent cannot be reasonably defended. What can be reasonably defended is that our Option A would not be consistent with the General Plan, whereas Option B would be consistent.

Planning's assertion that the restriction would be consistent references two policies set forth in the 2017 Jacoby Creek Community Plan. The key policy referenced is JCCP-P27 (Development within the Urban Development Area):

*“Development within the (Jacoby Creek) Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, **except as provided in this Plan.**”*

To clarify, the designated density range—as designated in the plan text and map—for new development inside the Jacoby Creek Urban Development Area is 0.2 to 1.0 du/acre (or a parcel size range between 1 and 5 acres). The proposed 5-acre density restriction would supersede the plan text and map until both public water supply and sewage disposal services are available and provided.

The mistake comes from ignoring the ‘exception’ in the last part of the policy. The question is, what is that exception “provided in this Plan?”

The 2017 Jacoby Creek Community Plan provides no exception that would be applicable. On review of all the other policies of the General Plan, the only one that is relevant and appears to apply is policy GP-P6 (Use of On-Site Sewage Systems within Urban Development Areas).

*“The utilization of on-site sewage disposal systems shall not be acceptable for new subdivisions in the Urban Development Area, **unless the Planning Commission makes specific factual findings that:***

- A. The extension of services is physically infeasible; or,*
- B. The area is not planned for service in the service provider’s Municipal Service Review and other written long-term plans; or,*
- C. The services are not reasonably available in a timely manner.”*

A rational inference can be made that this policy is that exception “provided in this Plan.” But Option A is not consistent with this policy. Option A allows no exception that would permit development at the designated plan densities where the services cannot be secured.

The other policy referenced by Planning is JCCP-P26 (Residential Densities).

“Residential development at one dwelling unit per five or more acres may be permitted within the Urban Development Area if (specified determinations are made with respect to provisions for water supply and sewage disposal). The use of private water sources within the (Jacoby Creek) Urban Development Area is permitted only for residential development at densities of one dwelling unit per five or more acres.”

This policy is the specific source for proposing the 5-acre density restriction. But it conflicts with policy GP-P6, as it too does not provide for the exception. While Option A might be considered consistent with JCCP-P26, it cannot be found consistent with the General Plan when it conflicts with GP-P6, an over-riding policy.

I have found no other policies set forth in either the Jacoby Creek Plan or County Plan that Option A would be consistent with.

On the other hand, Option B is consistent with all relevant policies in both the Jacoby Creek Plan and County Plan—with the exception of being inconsistent with JCCP-P26, which conflicts with the over-riding policy GP-P6.

Attached is a chart that I prepared listing relevant plan policies and summarizing what I see as the consistencies and inconsistencies of both Options A and B.

Again, my request—and what I would support—is a recommendation that Section 69.05.6(g) simply be deleted. To delete it would be consistent with both the Jacoby Creek Plan and County Plan. But to keep it—or to modify it—would be inconsistent with the plans.

And again, I see no over-riding public interest to impose the special 5-acre density restriction.

I understand why Planning speculates that the 1979 state-imposed "Waiver Prohibition" was the reason for the restriction. The original 1982 Jacoby Creek Community Plan says "Portions of the Jacoby Creek Area are included in a State imposed Waiver Prohibition area." It provides for "enacting" the waiver prohibition by requiring new development to provide "proof of access to adequate waste disposal systems."

But this is not an explanation or justification for why a 5-acre density limitation. Nowhere in the Plan is an nexus provided between the waiver prohibition and a 5-acre density limitation. Further, in the State's documentation related to the waiver prohibition, there was no reference or requirement for any density limitation. There is no reason for the special restriction.

It is my recollection that the limitation was inserted by the Board of Supervisors—without review by the Planning Commission—at Arcata's insistence...it was what the City wanted.

My recollection is shared by other members of the citizens group that prepared the original draft of the Jacoby Creek Community Plan. The original draft did not provide for any density limitation, other than the density ranges designated in the plan text and map. Consideration of a special density limitation was not even on the radar screen, simply because it was expected that there would be no health risk with the strict enforcement—with no waivers—of water supply and sewage disposal standards.

From our point of view, if there is in fact a critical health and safety matter, then all the area covered by the 1979 waiver prohibition needs to be included as an ADU Special Permit Area, not just the Jacoby Creek Area.

Larry

**JACOBY CREEK COMMUNITY PLAN
CONSISTENCY/INCONSISTENCY COMPARISON
OF SECTION 69.05.6(G) OPTIONS**

	<u>OPTION 'A'</u> Treat Jacoby Creek Area and the other non-sewered areas in the County differently with a 5-acre density restriction <i>[Keep Section 69.05.6(g)]</i>	<u>OPTION 'B'</u> Treat Jacoby Creek Area and the other non-sewered areas in the County alike with no density restriction <i>[Delete Section 69.05.6(g)]</i>
JACOBY CREEK COMMUNITY PLAN POLICIES		
<p>JCCP-P5 (Adequate Housing in Jacoby Creek). It shall be the goal of the County to promote adequate and safe housing for the residents of the Jacoby Creek Area by requiring the provision of appropriate public services when development takes place.</p>	<p>Not consistent</p> <p>Option 'A' would require water supply and sewage disposal services where and when the 5-acre density limitation in the Jacoby Creek Area is exceeded.</p> <p>However, the services may not be "appropriate" where and when the development could meet current health standards without the services.</p>	<p>Consistent</p> <p>Option 'B' would require compliance with water supply and sewage disposal regulations, including connection to appropriate services as needed.</p>
<p>JCCP-P22 (Residential Uses). A variety of housing types and densities should be encouraged to be located within the (Jacoby Creek Area) Urban Development Area.</p>	<p>Not consistent</p> <p>Option 'A' would limit residential density to no greater than one dwelling unit per 5 or more acres in the Jacoby Creek Area.</p>	<p>Consistent</p> <p>Option 'B' would not impose any density limitation in the Jacoby Creek Area, subject to compliance with water supply and sewage disposal regulations.</p>
<p>JCCP-P25(Provision of Urban Services). This plan is predicated on the intent that either the City of Arcata or the Jacoby Creek County Water District will be the provider of urban services within the (Jacoby Creek Area) Urban Development Area.</p> <p><i>Note: This 40-year old basis for the Jacoby Creek Community Plan policy of a maximum 5-acre density without public sewage disposal services is no longer valid, as the City of Arcata (the responsible service agency) is on</i></p>	<p>Not consistent</p> <p>Option 'A' would impose special restrictions to further an interest that is no longer applicable.</p>	<p>Consistent</p> <p>Option 'B' would not cause or contribute to a need for extended services, resulting in burden on the affected service agency.</p>

<p><i>record that it will not extend sewage services beyond the current service area in the foreseeable future. Further, the Water District's service area has not been extended to serve the Urban Development Area as predicated.</i></p> <p><i>The provision of new urban services to serve new residential development has been insignificant for the last 40 years since the Jacoby Creek Community Plan was adopted. There are no plans to change this, and the expectations now are no expansion of services to allow new development in the Jacoby Creek Area to help resolve our current pressing housing problems.</i></p> <p><i>This information is from the following reports referenced by the GPU:</i></p> <ul style="list-style-type: none"> • <i>Water Resources Technical Report, prepared for Humboldt County by Winzler and Kelly Consulting Engineers (November 2007)</i> • <i>Community Infrastructure and Services Technical Report, prepared for Humboldt County by Winzler and Kelly Consulting Engineers (July 2008)</i> • <i>City and District Sphere of Influence Reports, LAFCO (January 2009)</i> • <i>Water Quality Control Plan for the North Coast Region (Basin Plan), North Coast Regional Water Quality Control Board (May 2011)</i> 		
<p>JCCP-P26 (Residential Densities). Residential development at one dwelling unit per five or more acres may be permitted within the Urban Development Area if (specified determinations are</p>	<p>Consistent</p> <p>Option 'A' conforms to this policy in that it allows new development at densities of 5 or more acres per dwelling unit in</p>	<p>Consistent</p> <p>Option 'B' does not violate this policy in that new development at densities of 5 or more acres per dwelling unit is permissive where applicable.</p>

<p>made with respect to provisions for water supply and sewage disposal).</p> <p><i>Note: It is presumed that this policy does not prohibit new development at densities greater than 5 acres per dwelling unit. The basis of this presumption is the use of the term “may be permitted” and the acknowledgment that the designated density range for new development inside the Urban Development Area (originally, Urban Limit Line) is 0.2 to 1.0 du/acre (or, a maximum parcel size of 5 acres).</i></p> <p><i>This policy provides an exception, otherwise new development resulting in a density less than 0.2 du/acre in the Urban Development Area would conflict with the plan’s allowable density range as designated in the plan text and map.</i></p>	<p>non-sewered areas, albeit only at that density range.</p>	
<p>JCCP-P26 (Private Water Sources). The use of private water sources within the (Jacoby Creek Area) Urban Development Area is permitted only for residential development at densities of one dwelling unit per five or more acres.</p>	<p>Consistent</p> <p>Option ‘A’ requires public water supply service (and sewage disposal service) at a density exceeding 5-acre per dwelling unit.</p>	<p>Not consistent</p> <p>Option ‘B’ would allow private water sources at higher densities where permitted by current standards.</p>
<p>JCCP-P27 (Development within the Urban Development Area). Development within the (Jacoby Creek Area) Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this Plan.</p>	<p>Not consistent</p> <p>Option ‘A’ requires public water supply and sewage disposal services at a density exceeding 5-acre per dwelling unit.</p> <p>However, the Policy’s referenced exception has not been disclosed nor described to determine plan-consistency. If the exception is to permit development at the designated plan densities where the services cannot be secured (as inferred by policy GP-P6, see below), then Option ‘A’ would</p>	<p>Consistent</p> <p>Option ‘B’ would allow development at the mapped, designated plan densities where the services are not available when permitted by current health standards.</p> <p>However, Option ‘B’ would be consistent with an exception, if provided in the plan, to permit development at the designated plan densities where the services cannot be secured.</p>

	not be consistent, as it provides no exceptions.	
JCCP-P40 (Development of Land Designated Suburban Residential) and JCCP-P43 (Urban Water Systems). All new development on lands designated as Suburban Residential, and all proposed development within the Urban Development Area, shall be required to connect to a public water system as and when such system becomes available.	Not consistent Option 'A' requires public water supply and sewage disposal services at a density exceeding 5-acre per dwelling unit. But it has no provision allowing new development before the services become available	Consistent Where public water services are not nor will be available, Option 'B' would not permit new development that would be dependent on the services in order to comply with health requirements.
JCCP-P47 (Rural Subdivision Limitation). No new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Suburban Residential until publicly maintained waste disposal systems are available to such lands.	Not relevant The policy addresses subdivisions, not ADUs. However, Option 'A' would conform to the 5-acre restriction.	Not relevant The policy addresses subdivisions, not ADUs. However, Option 'B' would conflict with the 5-acre restriction.
OTHER GPU POLICIES		
G-P31 (Common Sense Principle). The General Plan should be interpreted in a commonsense manner to encourage reasonable development which can meet the needs of the community with minimal impacts on the environment and demands on public services. Taking a comprehensive view of all relevant plan policies, the result must balance the intent of these policies, in a practical, workable, and sound manner. When using the Commonsense Principle, findings shall be made by the Planning Commission and/or Board of Supervisors indicating how the use of this principle balances the needs of the community and Plan policies.	Not consistent Option 'A' violates the Common Sense Principle in that it strictly applies a special restriction that—for the reason that the required services are not nor will not be provided—results in a de facto moratorium on ADUs in the Jacoby Creek Area for an undeterminable period of time until the services can be provided. The “moratorium” factor is because there are very few, if not any, parcels in the subject area where new development or ADUs could comply with the 5-acre density restriction, with or without services.	Consistent Option 'B' simply represents sound practical judgement.

<p>GP-P2 (Urban Development Areas). Establish and maintain Urban Development Areas within Community Planning Areas to reflect areas that are served with existing, or planned, public wastewater systems.</p>	<p>Not consistent</p> <p>Option 'A' continues the incorrect premise that the Jacoby Creek Area Urban Development Area is served with, or is planned to be served with, public wastewater systems. This is not true.</p>	<p>Consistent</p> <p>Option 'B' acknowledges the error.</p>
<p>GP-P5 (Connection to Public Wastewater Systems within Urban Service Areas). All new development within Urban Service Areas shall connect to public wastewater systems.</p>	<p>Not consistent</p> <p>Option 'A' exceeds the scope of this policy and imposes this requirement to areas beyond the Jacoby Creek Area Urban Service Area.</p>	<p>Consistent</p> <p>Option 'B' does not violate this policy.</p>
<p>GP-P6 (Use of On-Site Sewage Systems within Urban Development Areas). The utilization of on-site sewage disposal systems shall not be acceptable for new subdivisions in the Urban Development Area, unless the Planning Commission makes specific factual findings that:</p> <ul style="list-style-type: none"> A. The extension of services is physically infeasible; or, B. The area is not planned for service in the service provider's Municipal Service Review and other written long-term plans; or, C. The services are not reasonably available in a timely manner. 	<p>Not consistent</p> <p>Jacoby Creek Community Plan policy JCCP-P27 is:</p> <p style="padding-left: 40px;"><i>"Development within the (Jacoby Creek Area) Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this Plan".</i></p> <p>A rational inference can be made that policy GP-P6 is that exception "provided in this Plan."</p> <p>However, in conflict with this policy, Option 'A' allows no exception that would permit development at the designated plan densities where the services cannot be secured.</p>	<p>Consistent</p> <p>Option 'B' applies this policy.</p>

To: Humboldt County Planning Commission

From: Larry Henderson

Date: May 25, 2020

4

Subject: Proposed Accessory Dwelling Unit Ordinance

Please consider the following input. I have four issues to address.

First Issue: The requirement to connect to sewer system has detrimental consequence

Section 69.05.3.6 (Sewer and Water Service) requires all new ADUs within a community service district's service area to connect to a public wastewater system. But some community service districts do not provide—nor can or plan to provide—sewerage facilities or other wastewater disposal systems. The requirement would be a de facto moratorium on ADUs in areas where the current State law would otherwise permit them.

There need be no requirement other than the ADU must comply with the requirements applicable on the primary residence or—as an alternative where service capacity is restricted—new residences.

Second Issue: The permit provisions are vague

Section 69.05.2 (ADUs Generally Permitted) provides that ADUs *may be* principally permitted in designated areas subject to specified conditions, and *may be* excluded or required to get a Special Permit in certain other designated areas.

The term “may” is discretionary. If an ADU may or may not be permitted or excluded, then the specifics must be added as to who gets to decide and what the criteria is for making the decision.

To correct the problem, delete the “permissive” text to read “is principally permitted” (rather than “may be principally permitted”), “is excluded” (rather than “may be excluded”), and “requires a Special Permit” (rather than “may require a Special Permit”).

Third Issue: The Special Permit Area provisions are improper

Section 69.05.6 provides that lots located in an 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.”

The most demanding regulatory test in constitutional law is that the requirement or prohibition is the least restrictive means to further an overriding public interest. Is there a public interest and is it more important than other interests, and what are the options and is the proposed one the least restrictive?

In this case, the County is presuming there is an overriding public interest to apply the proposed restrictions. This is wrong. Government agencies must offer genuine justifications for important decisions...real reasons that can be scrutinized by the public and courts, rather than fabricated reasons that are asserted as self-evident truths.

To correct the problem, the underlying “special consideration” for the particular restrictions should be clearly defined, and the appropriate test for permitting the ADU described.

Fourth Issue: Exclusion of ADUs in Jacoby Creek Area is unlawful

Seven ADU Special Permit Areas are listed in Section 69.05.6. Six of them are truly areas having “special considerations” that—because of real, extraordinary hazardous conditions—the public interest justifies discretionary review through the special permit process. The seventh area listed (the Jacoby Creek Area) is not comparable and should not be excluded from the ADU provisions applicable to all other residentially zoned lands not having disclosed extraordinary hazardous conditions.

The proposed text is, “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.” This is misleading, as the 5-acre density reference is not law, but policy.

There is not a legislative 5-acre minimum density limit in the Jacoby Creek area. The residential zoning in the area permits parcels 2.5 acres and smaller subject to the same requirements and restrictions of all the other similar zoned properties throughout the County.

The 5-acre density reference is to the Jacoby Creek Area Plan that was adopted nearly 40 years ago in 1982. The plan was included by reference in the updated General Plan. But the “re-adopted” plan was not updated; nor was its “re-adoption” completed in compliance with CEQA mandate and public noticing and hearing requirements.

The County has the choice to include or exclude the Jacoby Creek area from the general permit provisions of the ADU ordinance. This will be a discretionary decision requiring (in addition to CEQA compliance) a showing of justification and the mandatory General Plan Consistency determination.

Planning will say the area must be excluded because including it would be inconsistent with the General Plan. Again, the reference will be the 5-acre density limitation of the 40-year old Jacoby Creek Area Plan.

The 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...effectively, for all new development in that area. The problem is there currently is no plan, budget, or projected schedule for a wastewater system in the area.

The adoption of this ordinance with Section 69.05.6(g) as proposed would now make this 40-year old policy limitation a legislative mandate.

Would it be consistent with the General Plan to make the 5-acre density limitation the law? Defendable arguments can be made that the limitation is inconsistent with numerous other goals and policies throughout the plan. For one, it would conflict with the Plan's policies—and with recent State mandate—that encourages and permits critically needed new housing...urban and suburban.

There is also the question of just cause. Is there an overriding public interest for making the 5-acre density limitation a legislative mandate...what is the problem? The current zoning has been in effect for over 40 years, and there has been no cause to change. Developments have been permitted in the area at a density higher than the 5-acre limitation.

County Planning has stated that the 5-acre density limitation protects public health. Planning references a 1979 resolution of the State Water Resources Control Board. They say the resolution (No. 79-101) identified a public health hazard related to development of residences served by on-site sewage disposal systems in the Jacoby Creek area. The assertion is that the policy—and now, the strict enforcement of the 40-year old policy—was and is necessary to mitigate this hazard.

But the referenced resolution only prohibited “waiver of criteria governing the use of individual waste treatment and disposal systems in portions of the nonsewered areas tributary to Humboldt Bay between the cities of Arcata and Eureka.” The criteria that was effective then—and is still effective today—did not mandate a 5-acre minimum standard. To the contrary, with strict application of the criteria, new housing can be accommodated in non-sewered areas at a density greater than 5 acres per unit without endangering public health.

In contrast, there are NO restrictions elsewhere in the County or State necessitating a minimum 5-acre per dwelling unit density where public water service is or will be provided without sewage disposal service. There is no legitimate reason to not apply to the Jacoby Creek Community Planning Area those policies applicable to new housing development in other areas in the County or State.

My request is to delete Section 69.05.6(g) listing the Jacoby Creek area as a Special Permit Area.

Closing

I appreciate and thank the Planning Commission for considering my input and request.

Respectfully

Larry Henderson
1933 Golf Course Road
Bayside, CA 95524

RE: ADU comment email

5

Dolf, Benjamin <BDolf@co.humboldt.ca.us>

Mon 6/15/2020 2:52 PM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>; Kalson, Mario <MKalson@co.humboldt.ca.us>

Cc: Milner, Mary <MMilner1@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>

Thanks for reaching out Michael. Mario may chime in also, but I'll give my personal opinion (which has inherent bias... I live on that road).

Purely on the wastewater aspects, I can't support a change to the current JCCP language. The vast majority of existing septic systems in the area pre-date current standards, and a shallow water table is consistent along the valley floor. Even hill side properties can be very problematic for septic systems (e.g. Plunkett Road). This is an area that sees frequent repair permits as well. Our regulations identify the area as a variance prohibition zone due to the shallow water table and sensitivity of the creek. The current language in the JCCP seems reasonable, it's an extra step in the development process but not overly restrictive.

As a resident, I have larger concerns. Particularly traffic on that narrow road that my kids ride their bikes to school on. There is a lot of foot traffic, people are constantly jogging/walking/biking and there are no sidewalks or bike lanes. It's a quiet, peaceful road. Increase in traffic would be my biggest concern, and of greatest consequence to the community. I grew up there also, and knowing my neighbors and others that live in the area it's a very safe bet that the folks who want to change the JCCP are a vocal minority in comparison to the overall population.

Thanks again for reaching out, and for letting me give my personal input as well.



Benjamin W. Dolf, R.E.H.S.

Senior Environmental Health Specialist

DHHS Division of Environmental Health, Land Use Program :: 100 H St. Eureka, CA 95501 :: (707) 268-2235

From: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Sent: Monday, June 15, 2020 1:57 PM

To: Kalson, Mario <MKalson@co.humboldt.ca.us>; Dolf, Benjamin <BDolf@co.humboldt.ca.us>

Cc: Milner, Mary <MMilner1@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>

Subject: FW: ADU comment email

Hi Mario and Ben,

We're getting input on our ADU ordinance from some in the Jacoby Creek Community Plan (JCCP) area that would like to see ADU's allowed as principally permitted uses on properties in that Plan area without regard to their parcel size. Presently the JCCP has a policy that requires applications for new residential development (e.g. ADU's & subdivisions) at a density of more than one unit per five acres include information demonstrating not only are the on-site conditions favorable for septic systems but that mitigation measures for the project will assure that the proposed development will not cause adverse cumulative health or

environmental impacts. We can't require any mitigation measures for principally permitted development, so effectively the changes to the ADU ordinance being argued for at the Planning Commission would do away with this policy as far as ADU's are concerned. Is your Department OK with that, or would you prefer a different approach?

The Commission will be taking this item up again this coming Thursday evening, so any help you can provide before then would be really helpful.

Thanks so much!

- Michael R.

From: Lippre, Suzanne <SLippre@co.humboldt.ca.us>
Sent: Monday, June 15, 2020 12:46 PM
To: Richardson, Michael <MRichardson@co.humboldt.ca.us>; Milner, Mary <MMilner1@co.humboldt.ca.us>
Subject: ADU comment email

Please see attached email comments re ADU



Suzanne Lippre

Executive Secretary
Planning and Building Department
3015 H Street Eureka, CA 95501
Phone: 707-268-3728
Email: slippre@co.humboldt.ca.us

From: DeBeni, Leslie <LDeBeni1@co.humboldt.ca.us>
Sent: Monday, June 15, 2020 11:59 AM
To: Lippre, Suzanne <SLippre@co.humboldt.ca.us>
Subject:

RE: ADU comment email

Dolf, Benjamin <BDolf@co.humboldt.ca.us>

5a

Tue 6/16/2020 4:07 PM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>; Kalson, Mario <MKalson@co.humboldt.ca.us>

Cc: Milner, Mary <MMilner1@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>

Hi Michael,

After Mario and I had a chance to discuss the JCCP/ADU in more detail we have a few thoughts and a few questions. My initial response included concerns about density and groundwater/soil condition in the basin, but didn't clearly express that these are the types of cumulative impacts that the current plan intends to address.

Adding ADUs on small parcels with shallow groundwater and low-permeability soils can result in mounding and nitrogen loading of groundwater and surface water, essentially reducing in-ground treatment of wastewater.

Although we were not familiar with the JCCP until now, conditions in the basin most certainly warrant analysis of cumulative impacts before reducing minimum parcel size for non-discretionary permitting. Are there modifications proposed to the JCCP? How does the ADU ordinance effect the JCCP specifically? Are there other areas that have a reduction in minimum parcel size for principally permitted ADU's?

Adding a discretionary element to the review of proposed development allows our office to recommend cumulative impact studies, advanced treatment systems, or other mitigation measures beyond what would be considered reasonable under a ministerial OWTS permit. Although there haven't been significantly localized call for adding ADU's in the basin currently, relaxing protections could be problematic.



Benjamin W. Dolf, R.E.H.S.

Senior Environmental Health Specialist

DHHS Division of Environmental Health, Land Use Program :: 100 H St. Eureka, CA 95501 :: (707) 268-2235

From: Richardson, Michael <MRichardson@co.humboldt.ca.us>

Sent: Monday, June 15, 2020 1:57 PM

To: Kalson, Mario <MKalson@co.humboldt.ca.us>; Dolf, Benjamin <BDolf@co.humboldt.ca.us>

Cc: Milner, Mary <MMilner1@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>

Subject: FW: ADU comment email

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environmental impacts. We can't require any mitigation measures for principally permitted development, so effectively the changes to the ADU ordinance being argued for at the Planning Commission would do away with this policy as far as ADU's are concerned. Is your Department OK with that, or would you prefer a different approach?

The Commission will be taking this item up again this coming Thursday evening, so any help you can provide before then would be really helpful.

Thanks so much!

- Michael R.

From: Lippre, Suzanne <SLippre@co.humboldt.ca.us>
Sent: Monday, June 15, 2020 12:46 PM
To: Richardson, Michael <MRichardson@co.humboldt.ca.us>; Milner, Mary <MMilner1@co.humboldt.ca.us>
Subject: ADU comment email

Please see attached email comments re ADU



Suzanne Lippre

Executive Secretary
Planning and Building Department
3015 H Street Eureka, CA 95501
Phone: 707-268-3728
Email: slippre@co.humboldt.ca.us

From: DeBeni, Leslie <LDeBeni1@co.humboldt.ca.us>
Sent: Monday, June 15, 2020 11:59 AM
To: Lippre, Suzanne <SLippre@co.humboldt.ca.us>
Subject:

From: matt H <matheus-707@hotmail.com>
Sent: Monday, June 15, 2020 2:24 PM
To: Planning Clerk
Subject: Jacoby Creek ADU Policy

Planning Commissioners,

I am a resident of Jacoby Creek area who is interested in building an ADU on a five acre parcel. I am unable to do so due to the five acre minimum density restriction. The restriction serves only as a preventative measure to building up to date and safe ADU units for additional family dwellings or rentals. Please reconsider this restriction. We are trying to expand our family while keeping our immediate family together on our family property we have owned since 1945. We are unable to do so due to the restrictions that only apply to the Jacoby Creek area and nowhere else in Humboldt County. The deletion of the five acre policy restriction would allow families to build permitted ADUs while bringing already built ADUs up to compliance.

Sincerely,
Mathew Henderson
707-267-5701

mmilner1@suddenlink.net

From: Brittany Great <brittgreat0791@gmail.com>
Sent: Monday, June 15, 2020 2:24 PM
To: Planning Clerk
Subject: Jacoby Creek ADU Policy

Dear Commissioners,

I am currently residing with my partner and his family in the Jacoby creek area with an interest to build an ADU on their five acre parcel. We had plans to build an additional unit on the property in order to expand our family but are unable to do so due to the five acre policy restriction. We would like to keep our immediate family together but are unable to with this policy restriction that only applies to Jacoby Creek in Humboldt County. We believe the restriction is not upholding the compliance requirements for many current ADUs and Airbnb's in the area and in deleting the five acre policy will bring these ADUs up to compliance. For example, many current septic systems are running on out of date standards. New ADU units would give homeowners a financial incentive to correct these out of date septic systems, as new ADU units would have to be up to code and environmentally safe. In conclusion, I believe that eliminating the five acer policy restriction will benefit the county and community financially and environmentally by making sure all new units are permitted and up to standards.

Thank You,

Brittany Great

541-941-6067

Jason Valentin
282 Fickle Hill Rd
Arcata CA 95521
jasondvalentin@gmail.com

June 15, 2020

Humboldt County Planning Commission
Eureka CA 95501

Commissioners,

I am attempting to build a home in the Jacoby Creek Area. It would be a second dwelling on the property and would be permitted under the proposed ADU ordinance...except for the fact that the property is located in the Jacoby Creek Area. As drafted, the proposed ordinance would place a special 5-acre density restriction to that area.

My site is smaller than 5 acres. It has a dwelling on it, and it looks like the property's on-site water supply system and sewage disposal systems would comply with standards to accommodate both dwellings. But, as currently drafted, the proposed ADU ordinance would require me to obtain both water supply and sewage disposal service. This is not going to happen any time in the near or distant future.

Apparently, the reason for the special restriction is related to a "waiver prohibition zone" established by the State Water Resources Control Board in 1979. This doesn't make sense to me, because the zone covers an area much larger than just the Jacoby Creek Area. Why would I be allowed to build my ADU in the Indianola Area—that is also within the waiver prohibition zone—when I cannot do so in Jacoby Creek?

I recommend and ask that the ADU Ordinance be implemented, but without the special restriction on the Jacoby Creek Area.

Sincerely yours,

Jason Valentin

Fwd: From Frank Richards

Marc Delany <mdlalany@gmail.com>

Tue 6/16/2020 1:43 PM

To: Spain, Kenneth <kspain1@co.humboldt.ca.us>; Madrone, Steve <smadrone@co.humboldt.ca.us>; Franklin Richards <frichards294@mycr.redwoods.edu>; Ford, John <JFord@co.humboldt.ca.us>; Milner, Mary <MMilner1@co.humboldt.ca.us>; Kalson, Mario <MKalson@co.humboldt.ca.us>; debbie homecontained.com <debbie@homecontained.com>; jgd119@humboldt.edu <jgd119@humboldt.edu>; Juliet Maestas <julemae70@yahoo.com>

Dear Representatives of Hoopa Nation and Humboldt County

I am hopeful that the county will support the reactivation of the Hoopa Modular plant. We are working towards a joint proposal that should be able to ensure that HC uses all of the available HC Housing Authority Housing Choice vouchers, for home ownership and new rental housing by using the new State Accessory Dwelling laws and complimentary local ordinances. Less square footage built on existing residential lots as ADS and similar tiny homes can be affordable to large portions of the homeless here in HC and the underhoused populations in HC and Hoopa. This can be a joint economic development project benefiting all of CA.

I look forward to continuing the conversation and moving the local ADU ordinances forward. Significant roadblocks may exist in HC due to current Health Department regulations concerning sewer and septic connects for ADU's on existing lots. The CA State and local P&Z Fire regulations currently discourage or prevent rural development through development bans in areas where the local Fire Department considers risky, limited access areas. There are solutions for these roadblocks, and those three departments along with representation from the Hoopa nation should be brought into the discussion as opportunity presents.

Thank you for your consideration and review.

Marc Delany
Ghoti & Co.

"We have nothing to fear but fear itself" - F.D.R.

----- Forwarded message -----

From: **Joe Davis** <jgd119@humboldt.edu>

Date: Tue, Jun 16, 2020 at 11:24 AM

Subject: Re: From Frank Richards

To: Juliet Maestas <julemae70@yahoo.com>

Cc: Connie A. McKinnon <camckinnon@ktjUSD.k12.ca.us>, Rhonda Bigovich <bigovichrhonda@gmail.com>, Marc Delany <mdlalany@gmail.com>, <msanchez@yuroktribe.nsn.us>, becky cape <bcape@ktjUSD.k12.ca.us>, Alphonso Colegrove <brushdancer_2000@yahoo.com>, Franklin Richards <frichards294@mycr.redwoods.edu>

I like these ideas Juliet. I would encourage you to bring them to the Council in a formal meeting.

Best,
Joe

Joe Davis
Councilmember
Hoopa Valley Tribe
(530) 515-0433

On Tue, Jun 16, 2020 at 7:40 AM Juliet Maestas <julemae70@yahoo.com> wrote:

When I was in Morongo a few years ago, I heard a presentation from the Rincon Nation, about all the businesses that operate under Title 17. These include a RV Park, 7-11 convenience store, etc. Not only was it profitable, but the tax breaks were enormous. I'm not sure if HVDE (hoopa valley development enterprise) operated under title 17 back in the day. But with the turn over in council members, I hope Danny is educating council members about Title 17. To move forward, I suggest the tribe consider a governing body similar to HVDE for enterprise development. The decision of where and how to spend the remainder of the Cares monies should not be decided at the political table, but rather amongst businesses minded and knowledgeable individuals.

On Monday, June 15, 2020, 7:44:49 PM PDT, Franklin Richards <frichards294@mycr.redwoods.edu> wrote:

I went to see Danny Jordan, Self Governance Director about the business plan he submitted to the council and the meetings he was involved with and he recommended I look up Section 17 of the Indian Reorganization Act. This is it. Let me know what people think?

Email from Larry Henderson dated 6/17/2020

Michael:

Thank you for copying me with yesterday's input from Environmental Health.

I am disappointed that they provided this information so late in the process, and not earlier when the ADU ordinance was first drafted...or even during the recent update of the Jacoby Creek Community Plan (JCCP).

The immediate issue here is interpretation—not reconsideration—of a current plan. This requires looking at both the written words of applicable policies, and the intent of the maker of those policies.

In this particular "JCCP/ADU" case, we in fact do not know the intent of the 40-year old policy that sets the 5-acre density limitation. The original 1982 JCCP does not provide an explanation; nor does the recent 2017 JCCP. Apparently, no record can be found to explain why the limitation was imposed.

For the decision of treating the Jacoby Creek Area and all the rest of the County's non-sewered residential communities differently or alike, there simply is no genuine justification to treat them differently...no reason that can be constructively scrutinized by the Jacoby Creek Area property owners.

Planning has provided speculation that the intent was related to the State's 1979 waiver prohibition. This premise has not been corroborated. To the contrary, I believe the premise is contradicted by the waiver prohibition measure itself, which, I understand, has no explicit reference or recommendation for a 5-acre density limitation anywhere in the area covered by the waiver prohibition.

Now, what is Environmental Health telling us? Are they saying there is a need to treat the Jacoby Creek Area differently; and if yes, why now and not with the plan update? Or are they saying that current standards are not effective, and all the area covered by the 40-year old waiver prohibition needs to be restudied...that we need to redo the general plan update?

Environmental Health says they "were not familiar with the JCCP" until last Monday. But now—one day later—they suggested that there are genuine health problems that justify treating the Jacoby Creek Area differently. Is this true, or is it a fabrication for a hidden agenda?

I am an affected property owner and want to know what I can and cannot do with my property. It is of major importance to the future of my family that I have predictability. I ask Environmental Health to please treat me with respect and tell me straightforwardly, is there or is there not a unique problem facing the Jacoby Creek Area that is not applicable anywhere else in the County?

If the letter from Environmental Health is provided to the Planning Commission, please provide this correspondence as a response from me (with the deletion of the preceding correspondence from Environmental Health).

Thank you.

Larry

SUPPLEMENTAL INFORMATION No. 4

For Planning Commission Agenda of:
July 9, 2020

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Hearing Item	} [2]
<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. Public comment – email M Delany, received 6-20-2020.
2. Public comment – second email M Delany, received 6-20-2020.
3. Public comment – email from L McClenagan, received 7-8-2020.
4. Public comment – Letter from L Henderson, received 7-1-2020.
5. Coastal Accessory Dwelling Unit Ordinance, PC DRAFT. This draft incorporates revisions responding to comments of the Coastal Commission, and changes recommended by the Planning Commission as of July 8, 2020.

Very much appreciated

1

Marc Delany <mldelany@gmail.com>

Sat 6/20/2020 12:39 PM

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

Cc: debbie homecontained.com <debbie@homecontained.com>; Franklin Richards <frichards294@mycr.redwoods.edu>; Madrone, Steve <smadrone@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>; Richardson, Michael <MRichardson@co.humboldt.ca.us>; Nielsen, Michelle <MNielsen@co.humboldt.ca.us>; Kalson, Mario <MKalson@co.humboldt.ca.us>; Martel, Melissa <MMartel@co.humboldt.ca.us>; Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>; Mike L. Newman <mnewman@ci.eureka.ca.gov>

Thank you Mary Milner et al for the work,

I know it might be hard to tell, but we really appreciate all the P&Z staff's work trying to get the JADU's out where they need to be. Lots of resistance to them in places. Underlying concern is always the unspoken "design appeal"... Existing property owner, a disproportionately listened to minority, mainly worry about a new development's impact on their interests.. not the beneficial impacts to all other citizens and themselves ultimately too.

There is no reason not to allow any ADU, JADU or tiny home if there are no impacts... essentially "Off Grid" homes have demonstrably and quantifiable little or no additional impacts on services! These are mostly people that are already local, and living somewhere... improving the efficiency of the situation is not a problem... Also, farm worker housing does pay property tax, as do market rate "affordable" homes. These are not primarily exempt developments... some might be, ironically, those in the urban areas.

Planning needs to be done at P&Z not at DHHS or Cal fire.

I appreciate that the planning commission also seems mainly in favor of gaining ADU units. Please pass along our thanks and appreciation, if it's not clear... we do support your work so far to date. Off grid, grey water and composting units should be encouraged, not just allowed in HC.

Thank you Mary Milner, see you July 9th 6:00 P&Z...

Marc Delany

Out beyond ideas of wrong-doing and right-doing there is a field. I'll meet you there. When the soul lies down in that grass the world is too full to talk about.

Rumi

Composting toilets

2

Marc Delany <mldelany@gmail.com>

Sat 6/20/2020 1:58 PM

To: Milner, Mary <MMilner1@co.humboldt.ca.us>; Nezzie Wade <now1@suddenlink.net>; Kalson, Mario <MKalson@co.humboldt.ca.us>; Martel, Melissa <MMartel@co.humboldt.ca.us>

Are getting very advanced. I'd suggest allowing any commercial unit in JADU...

Larger units are never emptied.. The solids turn into heat, CO2 and water vapour. The liquids just evaporate. No out flow, just vector controls...

[how to use a composting toilet](#)

<https://youtu.be/dYR6GpMdzVM>

Out beyond ideas of wrong-doing and right-doing there is a field. I'll meet you there. When the soul lies down in that grass the world is too full to talk about.

Rumi

FW: Proposed Accessory Dwelling Unit (ADU) Ordinance

McClenagan, Laura <lmcclenagan2@co.humboldt.ca.us>

Wed 7/8/2020 9:29 AM

To: Richardson, Michael <MRichardson@co.humboldt.ca.us>

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

Will you be putting together a supplement for the below comment?

Laura McClenagan

From: Planning Clerk <planningclerk@co.humboldt.ca.us>

Sent: Wednesday, July 08, 2020 8:46 AM

To: McClenagan, Laura <lmcclenagan2@co.humboldt.ca.us>

Subject: FW: Proposed Accessory Dwelling Unit (ADU) Ordinance

From: Josh Mohland <josh@mohland.com>

Sent: Tuesday, July 7, 2020 8:38 PM

To: Planning Clerk <planningclerk@co.humboldt.ca.us>

Subject: RE: Proposed Accessory Dwelling Unit (ADU) Ordinance

Members of the Planning Commission,

I have an interest in the proposed ADU Ordinance and its potential impact on the Jacoby Creek Area.

As proposed, this ordinance would impose a special restriction on the Jacoby Creek Area. Reportedly, this is because of some problem with the adequacy of water and sewer services or the impact of accessory dwelling units on traffic flow and public safety (see section 69.05.6). My questions are:

1. What is that specific problem?
2. Why is this problem specifically targeting the Jacoby Creek Area compared to the rest of unincorporated Humboldt County?

Additionally, the Planning Department seems to be giving conflicting answers when asked about second dwellings on parcels in the Jacoby Creek Area. Some planners are saying a second unit is okay on parcels smaller than 5 acres, while other planners are saying they are not. When asked why they would not be, the answer has been because there have been studies of pollution in the area.

While this does not make any sense to me -- if this is true, I would like to see the studies and review them. Of greater importance, I'd like to ask the Planning Commissioners if they have seen those studies and if they agree they are the cause for imposing the special restriction on the Jacoby Creek Area? If this is not the case, then why does this special restriction exist?

Thanks,

Josh Mohland
370 4th Street
Arcata, CA

To: Humboldt County Planning Commission
From: Larry Henderson
Date: July 1, 2020
Subject: Accessory Dwelling Unit Ordinance re: Jacoby Creek

4

At its July 9 meeting, the Planning Commission is scheduled to consider Section 69.05.6(g) of the draft ADU Ordinance. That section lists the Jacoby Creek Area as an ADU Special Permit Area district and sets a 5-acre density restriction for the Area. Following is a summary of arguments previously provided to Planning and the Commission for deleting the Section.

To disclose, I own a 5-acre parcel in the Jacoby Creek Area. I and some other property owners in the Jacoby Creek Area want to add ADUs to our properties. I am the spokesman for our group (who humorously have been tagged “Jack’s Club”) and the term “we” throughout the following summary is this group.

We support the draft ADU Ordinance as modified to date by the Commission, provided Section 69.05.6(g) is deleted.

Planning says the Commission has three options regarding the Section: Keep it, delete it, modify it. The modify-option suggested by Planning would change the Section from a fixed restriction to a more temporary restriction pending review of the Jacoby Creek Community Plan density policies.

We are opposed to any special restrictions for the Jacoby Creek Area without first updating the community plan with full participation of all stakeholders. This would be the consequence of Planning’s first and third options (keep or modify). Hence, we support only the second option...delete it.

The issue and decision is how to treat the Jacoby Creek Area—differently or alike—in relation to the other non-sewered, suburban (in contrast with rural) residential areas in the County where the density restriction is based on health standards. We see two options: (Option A) treat Jacoby Creek Area and the other non-sewered areas in the County *differently* with a special density restriction for Jacoby Creek; or (Option B) treat Jacoby Creek Area and the other non-sewered areas in the County *alike* with no density restriction.

This clearly is a choice to be made, as there is no law mandating the special restriction.

In making the choice, the most demanding test in constitutional law must be applied. That is, the government must choose the least restrictive means to further a compelling public interest.

There is no legislated public interest for the special restriction. No legislative rule or standard—local or state—has been disclosed that would compel the 5-acre density limitation.

However, as Planning points out, compelling public interests are also defined by general plan policies that set guidelines and priorities for making discretionary local-governmental decisions.

Planning references a policy in the Jacoby Creek Community Plan that imposes a 5-acre density limitation on non-sewered residential development. Under this policy, wherever public sewage services are not provided, new development that exceeds the 5-acre density limitation would be prohibited, even if it complies with the plan designations. For example, although my parcel has a plan designation for a 2½-acre minimum parcel size, I could not divide my 5-acre parcel into two parcels unless I connect to Arcata's sewage system...not probable in my lifetime.

To *delete* the Jacoby Creek Area special restriction in the ADU Ordinance would conflict with this referenced policy and, for that reason, be inconsistent with the County General Plan. This inconsistency could be deemed a compelling public interest for treating the Jacoby Creek Area differently.

But we do not buy that premise. It would also be inconsistent with the Plan to *keep* the special restriction, and there is no justification to override those other inconsistencies.

Attached is a chart (previously submitted to Planning) listing relevant plan policies and summarizing what I see as the consistencies and inconsistencies of both keeping and deleting the special Jacoby Creek Area density restriction. With the exception of the above referenced policy, there are no other policies set forth in either the County Plan or Jacoby Creek Community Plan that Option A (keeping the restriction) would be consistent with. On the other hand, Option B (deleting the restriction) is consistent with all other relevant policies in both Plans.

We in fact do not know the intent of the policy—a 40-year-old, never-been-updated policy—that sets the 5-acre density limitation. The original 1982 and current 2017 Jacoby Creek Community Plans do not provide an explanation; nor do their EIRs. Apparently, no other record has been found to explain why the limitation was imposed. There simply is no genuine justification to treat the Jacoby Creek Area differently...no reason that can be constructively scrutinized by the Jacoby Creek Area property owners.

Planning has speculated that the limitation was related to a 1979 State imposed waiver prohibition. But this is contradicted by the waiver prohibition measure itself, which has no explicit reference or recommendation for a 5-acre density limitation anywhere in the area covered by the waiver prohibition (which includes more communities than just Jacoby Creek). Plus, nowhere in the Jacoby Creek Community Plans, their EIRs, or any other document, is an nexus provided between the waiver prohibition and a 5-acre density limitation.

With the only exception being the Jacoby Creek Community Plan, there is no community plan or health standard we know of that requires new development to connect to sewage services where the services are not and will not be provided.

The section listing the Jacoby Creek Area as an ADU Special Permit Area needs to be deleted. There is no legislative mandate or compelling public interest to keep it...either as is or as may be modified.

Respectfully submitted.

**JACOBY CREEK COMMUNITY PLAN
CONSISTENCY/INCONSISTENCY COMPARISON
OF SECTION 69.05.6(G) OPTIONS**

	<u>OPTION 'A'</u> Treat Jacoby Creek Area and the other non-sewered areas in the County differently with a 5-acre density restriction <i>[Keep Section 69.05.6(g)]</i>	<u>OPTION 'B'</u> Treat Jacoby Creek Area and the other non-sewered areas in the County alike with no density restriction <i>[Delete Section 69.05.6(g)]</i>
JACOBY CREEK COMMUNITY PLAN POLICIES		
<p>JCCP-P5 (Adequate Housing in Jacoby Creek). It shall be the goal of the County to promote adequate and safe housing for the residents of the Jacoby Creek Area by requiring the provision of appropriate public services when development takes place.</p>	<p>Not consistent</p> <p>Option 'A' would require water supply and sewage disposal services where and when the 5-acre density limitation in the Jacoby Creek Area is exceeded.</p> <p>However, the services may not be "appropriate" where and when the development could meet current health standards without the services.</p>	<p>Consistent</p> <p>Option 'B' would require compliance with water supply and sewage disposal regulations, including connection to appropriate services as needed.</p>
<p>JCCP-P22 (Residential Uses). A variety of housing types and densities should be encouraged to be located within the (Jacoby Creek Area) Urban Development Area.</p>	<p>Not consistent</p> <p>Option 'A' would limit residential density to no greater than one dwelling unit per 5 or more acres in the Jacoby Creek Area.</p>	<p>Consistent</p> <p>Option 'B' would not impose any density limitation in the Jacoby Creek Area, subject to compliance with water supply and sewage disposal regulations.</p>
<p>JCCP-P25(Provision of Urban Services). This plan is predicated on the intent that either the City of Arcata or the Jacoby Creek County Water District will be the provider of urban services within the (Jacoby Creek Area) Urban Development Area.</p> <p><i>Note: This 40-year old basis for the Jacoby Creek Community Plan policy of a maximum 5-acre density without public sewage disposal services is no longer valid, as the City of Arcata (the responsible service agency) is on</i></p>	<p>Not consistent</p> <p>Option 'A' would impose special restrictions to further an interest that is no longer applicable.</p>	<p>Consistent</p> <p>Option 'B' would not cause or contribute to a need for extended services, resulting in burden on the affected service agency.</p>

<p><i>record that it will not extend sewage services beyond the current service area in the foreseeable future. Further, the Water District's service area has not been extended to serve the Urban Development Area as predicated.</i></p> <p><i>The provision of new urban services to serve new residential development has been insignificant for the last 40 years since the Jacoby Creek Community Plan was adopted. There are no plans to change this, and the expectations now are no expansion of services to allow new development in the Jacoby Creek Area to help resolve our current pressing housing problems.</i></p> <p><i>This information is from the following reports referenced by the GPU:</i></p> <ul style="list-style-type: none"> • <i>Water Resources Technical Report, prepared for Humboldt County by Winzler and Kelly Consulting Engineers (November 2007)</i> • <i>Community Infrastructure and Services Technical Report, prepared for Humboldt County by Winzler and Kelly Consulting Engineers (July 2008)</i> • <i>City and District Sphere of Influence Reports, LAFCO (January 2009)</i> • <i>Water Quality Control Plan for the North Coast Region (Basin Plan), North Coast Regional Water Quality Control Board (May 2011)</i> 		
<p>JCCP-P26 (Residential Densities). Residential development at one dwelling unit per five or more acres may be permitted within the Urban Development Area if (specified determinations are</p>	<p>Consistent</p> <p>Option 'A' conforms to this policy in that it allows new development at densities of 5 or more acres per dwelling unit in</p>	<p>Consistent</p> <p>Option 'B' does not violate this policy in that new development at densities of 5 or more acres per dwelling unit is permissive where applicable.</p>

<p>made with respect to provisions for water supply and sewage disposal).</p> <p><i>Note: It is presumed that this policy does not prohibit new development at densities greater than 5 acres per dwelling unit. The basis of this presumption is the use of the term “may be permitted” and the acknowledgment that the designated density range for new development inside the Urban Development Area (originally, Urban Limit Line) is 0.2 to 1.0 du/acre (or, a maximum parcel size of 5 acres).</i></p> <p><i>This policy provides an exception, otherwise new development resulting in a density less than 0.2 du/acre in the Urban Development Area would conflict with the plan’s allowable density range as designated in the plan text and map.</i></p>	<p>non-sewered areas, albeit only at that density range.</p>	
<p>JCCP-P26 (Private Water Sources). The use of private water sources within the (Jacoby Creek Area) Urban Development Area is permitted only for residential development at densities of one dwelling unit per five or more acres.</p>	<p>Consistent</p> <p>Option ‘A’ requires public water supply service (and sewage disposal service) at a density exceeding 5-acre per dwelling unit.</p>	<p>Not consistent</p> <p>Option ‘B’ would allow private water sources at higher densities where permitted by current standards.</p>
<p>JCCP-P27 (Development within the Urban Development Area). Development within the (Jacoby Creek Area) Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this Plan.</p>	<p>Not consistent</p> <p>Option ‘A’ requires public water supply and sewage disposal services at a density exceeding 5-acre per dwelling unit.</p> <p>However, the Policy’s referenced exception has not been disclosed nor described to determine plan-consistency. If the exception is to permit development at the designated plan densities where the services cannot be secured (as inferred by policy GP-P6, see below), then Option ‘A’ would</p>	<p>Consistent</p> <p>Option ‘B’ would allow development at the mapped, designated plan densities where the services are not available when permitted by current health standards.</p> <p>However, Option ‘B’ would be consistent with an exception, if provided in the plan, to permit development at the designated plan densities where the services cannot be secured.</p>

	not be consistent, as it provides no exceptions.	
JCCP-P40 (Development of Land Designated Suburban Residential) and JCCP-P43 (Urban Water Systems). All new development on lands designated as Suburban Residential, and all proposed development within the Urban Development Area, shall be required to connect to a public water system as and when such system becomes available.	Not consistent Option 'A' requires public water supply and sewage disposal services at a density exceeding 5-acre per dwelling unit. But it has no provision allowing new development before the services become available	Consistent Where public water services are not nor will be available, Option 'B' would not permit new development that would be dependent on the services in order to comply with health requirements.
JCCP-P47 (Rural Subdivision Limitation). No new subdivision or minor subdivision which creates parcels of less than five acres shall be approved on lands designated as Suburban Residential until publicly maintained waste disposal systems are available to such lands.	Not relevant The policy addresses subdivisions, not ADUs. However, Option 'A' would conform to the 5-acre restriction.	Not relevant The policy addresses subdivisions, not ADUs. However, Option 'B' would conflict with the 5-acre restriction.
OTHER GPU POLICIES		
G-P31 (Common Sense Principle). The General Plan should be interpreted in a commonsense manner to encourage reasonable development which can meet the needs of the community with minimal impacts on the environment and demands on public services. Taking a comprehensive view of all relevant plan policies, the result must balance the intent of these policies, in a practical, workable, and sound manner. When using the Commonsense Principle, findings shall be made by the Planning Commission and/or Board of Supervisors indicating how the use of this principle balances the needs of the community and Plan policies.	Not consistent Option 'A' violates the Common Sense Principle in that it strictly applies a special restriction that—for the reason that the required services are not nor will not be provided—results in a de facto moratorium on ADUs in the Jacoby Creek Area for an undeterminable period of time until the services can be provided. The “moratorium” factor is because there are very few, if not any, parcels in the subject area where new development or ADUs could comply with the 5-acre density restriction, with or without services.	Consistent Option 'B' simply represents sound practical judgement.

<p>GP-P2 (Urban Development Areas). Establish and maintain Urban Development Areas within Community Planning Areas to reflect areas that are served with existing, or planned, public wastewater systems.</p>	<p>Not consistent</p> <p>Option 'A' continues the incorrect premise that the Jacoby Creek Area Urban Development Area is served with, or is planned to be served with, public wastewater systems. This is not true.</p>	<p>Consistent</p> <p>Option 'B' acknowledges the error.</p>
<p>GP-P5 (Connection to Public Wastewater Systems within Urban Service Areas). All new development within Urban Service Areas shall connect to public wastewater systems.</p>	<p>Not consistent</p> <p>Option 'A' exceeds the scope of this policy and imposes this requirement to areas beyond the Jacoby Creek Area Urban Service Area.</p>	<p>Consistent</p> <p>Option 'B' does not violate this policy.</p>
<p>GP-P6 (Use of On-Site Sewage Systems within Urban Development Areas). The utilization of on-site sewage disposal systems shall not be acceptable for new subdivisions in the Urban Development Area, unless the Planning Commission makes specific factual findings that:</p> <ul style="list-style-type: none"> A. The extension of services is physically infeasible; or, B. The area is not planned for service in the service provider's Municipal Service Review and other written long-term plans; or, C. The services are not reasonably available in a timely manner. 	<p>Not consistent</p> <p>Jacoby Creek Community Plan policy JCCP-P27 is:</p> <p style="padding-left: 40px;"><i>"Development within the (Jacoby Creek Area) Urban Development Area should occur at designated plan densities only when public water and public sewage disposal systems are available, except as provided in this Plan".</i></p> <p>A rational inference can be made that policy GP-P6 is that exception "provided in this Plan."</p> <p>However, in conflict with this policy, Option 'A' allows no exception that would permit development at the designated plan densities where the services cannot be secured.</p>	<p>Consistent</p> <p>Option 'B' applies this policy.</p>

ATTACHMENT 2

Coastal Accessory Dwelling Unit Ordinance

ORDINANCE NO. _____

Underline and ~~striketrough~~ indicate variations from the certified LCP

DRAFT

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 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 section 313-87.1, and adds revised section 313-69.05; amends section 313-107; section 313-109; section 313-136; section 313-137; section 313-148; section 313-154; section 313-155; section 313-163; section 313-177 of Chapter 3, Coastal Zoning Code; amends sections 312-6 and 312-9 of Chapter 2; 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 of less than 500 square feet entirely within another structure, that meets the criteria 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 and may be combined with a detached ADU 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. The CDP process for is described in Section 312-6 of this code.

69.05.2.1 No Coastal Development Permit Required

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

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

69.05.2.2 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.

~~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 are allowed in residential and mixed use zones as described in section 69.05.3.8.

69.05.3.2 Ownership.

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

~~87.1.3.2-69.05.3.3 Renting Permitted.~~

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

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

87.1.3.4 69.05.3.4 Short-term Lodging Prohibited.

Neither the ADU nor the primary residence shall be rented for periods of 30 days or less.

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

69.05.3.5 Building Type.

The ADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a Tiny House as defined in Section 313-155; a Moveable Tiny House as defined in Section 313-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code.

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

69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.

A manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting requirements, and foundation or setup configurations as described in Section 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 if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply.

~~87.1.3.6~~ 69.05.3.7 Existing Single-Family Residence

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

69.05.3.8 ADU and JADU Configurations Within Residential and Mixed Use Zones

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

69.05.3.8.1 ADU or JADU Within Existing Single Family Structure

One accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling, or within the existing space of a single-family dwelling or accessory structure, and may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of

the existing accessory structure shall be limited to accommodating ingress and egress.

- (ii) The ADU or JADU has separate exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, or by Fire Safe regulations if the site is within a State Responsibility Area for fire response.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

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) (a) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet.

69.05.3.8.3 ADUs in Existing Multifamily Structures

Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit shall be allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may be allowed.

69.05.3.8.4 Detached ADUs with Existing Multifamily Structures

Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, subject to a height limit of 16 feet and four foot rear yard and side setbacks.

87.1.4 69.05.4 Development Regulations and Standards, and Applicable Codes.

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

87.1.4.1 69.05.4.1 Utilities.

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes and Uniform Plumbing Codes, except that:

69.05.4.1.1 Connection Fees

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for water and sewer services as set forth in section 69.05.4.1.4, unless the accessory dwelling unit was constructed with a new single-family dwelling.

69.05.4.1.2 Impact Fees.

A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” as defined in subdivision (b) of Govt. Code Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

69.05.4.1.3 No New Connections in Existing Structures

No new or separate utility connection ~~is~~ shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single family residence or accessory structure and meets conditions in Section 69.05.3.8.1, unless the accessory dwelling unit was constructed with a new single family dwelling.

69.05.4.1.4 New Detached Units.

For an accessory dwelling unit that is not contained within the existing space of a single family residence or accessory structure, or does not meet conditions in Section 69.05.3.8.1, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Govt. Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either its size in square feet or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

69.05.4.1.5 Districts Under Moratoria or Compliance Orders

A 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. 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~~ 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~~ 69.05.4.6 Parking

~~Each ADU requires one (1) parking space. These spaces may be provided in tandem on a driveway. Off street parking shall be permitted in setback areas or through tandem parking,~~

unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

69.05.4.6.1 Exceptions to Parking Standards.

Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile walking distance of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, ADUs less than 1,000 square feet in size, no parking shall be required.

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

87.1.4.8 69.05.4.8 Services.

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

87.1.4.9 69.05.4.9 Public Access.

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

87.1.4.10 69.05.4.10 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 69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

All development associated with ~~second accessory residential dwelling~~ units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the “string line method”.

87.1.4.12 69.05.4.12 Agricultural Lands.

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

69.05.4.13 Timberlands.

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

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

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

87.1.5.1 In the case of nonconformity due to use, the application can be processed

~~consistent with the regulations for nonconforming uses in this Code;~~

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

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

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

69.05.5 Moveable Tiny House as an ADU.

In addition to the other provisions of this section, Movable Tiny Houses as defined in Section 313-148 used as ADUs shall comply with all of the following provisions:

69.05.5.1 Skirting.

The undercarriage (wheels, axles, tongue and hitch) must be hidden from view.

69.05.5.2 Foundation or Pad

69.05.5.2.1 Foundation.

If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing, or follow an alternative design certified by a licensed engineer.

69.05.5.2.2 Paved or Alternate Pad.

If the wheels are not removed, the parking area shall include bumper guards, curbs, or other installations adequate to prevent movement of the unit. The wheels and leveling or support jacks must sit on a paving surface compliant with either the following.

69.05.5.2.2.1 Paving.

A parking area for a moveable tiny house on wheels shall be paved with hard, durable asphaltic paving that has been mixed at a plant and is at least two inches thick after compaction, with Portland cement paving at least three inches thick, or an alternative as described below.

69.05.5.2.2.2 Alternative Paving Materials.

An alternative paving material is one of the following: porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, and restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids.) Alternative paving materials are permitted subject to all the following requirements:

- (a) Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches).

(b) Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.

69.05.5.3 Mechanical equipment

Mechanical equipment shall be incorporated into the structure and not located on the roof.

69.05.5.4 Sprinklers

Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.

69.05.5.5 Applicable Codes

Moveable Tiny Houses shall meet either the provisions of ANSI 119.5 or NFPA 1192 standards, or the provisions of the California Building Code, including 2019 CA Residential Code Appendix Q Tiny Houses or other adopted alternatives, or both.

69.05.5.6 Design standards.

Movable Tiny Houses must comply with all requirements for Detached ADUs and shall have the following design elements:

- (a) Materials used as exterior wall covering shall be natural or man-made 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. Portable or enclosed waste storage tanks are not allowed for sewage disposal.
- (e) A Moveable Tiny House need not be connected to a source of electrical power, but if it is, the installation shall be in accordance with the California Electrical Code, Part 3, Title 24, California Code of Regulations.

69.05.6 ADU Special Permit Area.

Lots located in the ADU Special Permit Area are presumed to have certain water and sewer service limitations, adverse impacts on traffic flow, and/or public safety conditions that may preclude construction of an ADU, 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; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.

- (d) Flood and tsunami hazards;
- (e) Proximity within 1000 feet of a toxic cleanup site as designated by California Department of Toxic Substances; and
- (f) 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 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.

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, and the ADU is consistent with all other applicable provisions of the Local Coastal Plan.. 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 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.

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 six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets National Fire Protection Association (NFPA) RV 1192 standards, or if certified

- after January 1, 2021, meets American National Standards Institute (ANSI) 119.5 Park Model standards. Certification must be made by a qualified third-party inspector accredited through American Society for Testing and Materials.
2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power;
 3. Is no larger than allowed by California State Law for movement on public highways;
 4. Has at least 120 square feet of first floor interior living space;
 5. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation; and
 6. Substantially complies with local building, health, and safety codes as set forth in this code so that it qualifies as a permanent dwelling.

313-154 DEFINITIONS (S)

~~**Second Residential Unit:** (See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

~~**Secondary Dwelling Unit:** (See, Residential Use Types, Second Residential Unit, in Section D: Use Types.)~~

313-155 DEFINITIONS (T)

Tiny House. A structure intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that:

1. Is built or installed on a permanent foundation or anchored with a foundation system meeting State approved requirements for manufactured housing, or that is designed by a licensed architect or engineer to meet those requirements;
2. Is no larger than 400 square feet;
3. Has at least 120 square feet of first floor interior living space;
4. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

SECTION 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

(a) One (1) parking space for each accessory dwelling unit. These spaces may be provided in tandem on a driveway. Offstreet parking shall be permitted in setback areas or through tandem parking, unless parking in setback areas or tandem parking is not feasible based specific site conditions, or regional topographical conditions, or fire and life safety conditions.

(b) Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, 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

313-6.1 RS: Residential Single Family		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
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
Maximum Lot Depth	Three (3) times the lot width.	
Maximum Density	<p>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. <u>plus accessory dwelling unit(s). 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</p>	

	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.
Minimum Yard Setbacks***	
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.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group

313-6.2 RM: RESIDENTIAL MULTI-FAMILY

313-6.2 RM: Residential Multi-Family	
	Principal Permitted Use
	Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)
	Conditionally Permitted Use
Use Type	
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.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	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	
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
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.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	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

313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
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
Maximum Lot Depth	Four (4) times the lot width.	
Maximum Density	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. plus one <u>accessory dwelling unit</u> . <u>Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u>	

Minimum Yard Setbacks***	Minimum Lot Size Less Than 2.5 Acres	Minimum Lot Size 2.5 Acres or Greater
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.
Maximum Ground Coverage	Thirty-five percent (35%)	
Maximum Structure Height	Thirty-five feet (35').	
Permitted Main Building Types	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

313-7.1 AE: Agriculture Exclusive	
Principal Permitted Use	
Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
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) <u>Single Family Residential 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

313-7.2 TC: Commercial Timber	
Principal Permitted Use	
Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential . A Use Permit is required for a second single family residence other than an Accessory Dwelling Unit.
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.
Use Type	Compatible Uses Permitted with a Special Permit
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

313-7.3 TPZ: Timberland Production Zone	
Principal Permitted Use	
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	A Use Permit is required for a second single family residence other than an Accessory Dwelling Unit.
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.
Use Type	Compatible Uses Permitted with a Special Permit
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 10. HUMBOLDT BAY AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.23 TIMBERLANDS

B. Development Policies

1. Identification of Timberlands

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

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. A second dwelling unit that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

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

SECTION 11. HUMBOLDT BAY AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 4 of the Humboldt Bay Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.10 A. URBAN LAND USE DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit, and principle permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

SECTION 12. NORTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.33 AGRICULTURE

B. COMPATIBLE USES

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

3.34 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05.

SECTION 13. NORTH COAST AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the North Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services as allowed by Section 3.36B of this document.

RR: RURAL RESIDENTIAL

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

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

PRINCIPAL USE: Production of food, fiber or plants, as provided in Section 3.54 with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one-owner occupied residence and one accessory dwelling unit; barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AG: AGRICULTURAL/GENERAL

PRINCIPAL USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

SECTION 14. TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Trinidad Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.24 TIMBERLAND

A. PLANNED USES

1. Identification of Timberlands

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

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as not to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

SECTION 15. TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.

Chapter 4 of the Trinidad Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

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

CR COMMERCIAL RECREATIONAL

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

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

RR RURAL RESIDENTIAL

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

RV RURAL VILLAGE

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 B2. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at Section 313-69.05.

TC COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use as provided in Section 3.24 of this document, and principal uses permitted under AEP ~~except second dwelling~~.

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

SECTION 16. MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the McKinleyville Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

SECTION 17. MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the McKinleyville Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

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

AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS

PERMITTED USE: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one single detached and one accessory dwelling unit; and the principle permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

AG: AGRICULTURE/GENERAL

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

SECTION 18. EEL RIVER AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

Chapter 3 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels of 60 acres or larger, a second house for parents or children of the owner-operator shall be considered a direct part of agricultural production. Instead of a second house, one accessory dwelling unit shall be

permitted without discretionary review, and without occupancy restriction.

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

- f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structure for owner and caretaker. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, 313-69.05. ~~A~~ The second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

SECTION 19. EEL RIVER AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

Chapter 5 of the Eel River Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURE/GENERAL

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

5.30 RURAL PLAN DESIGNATIONS

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

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

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

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit; and principal uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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

PERMITTED USE: production of food, fiber, or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit; and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

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

PERMITTED USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator, and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit; and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

RESOURCE POLICIES.

Chapter 3 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

3.34 AGRICULTURE

B. COMPATIBLE USES

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. The An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

SECTION 21. SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.

Chapter 5 of the South Coast Area Plan is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikeout~~ text):

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

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

RL: RESIDENTIAL/LOW DENSITY

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

5.30 RURAL PLAN DESIGNATIONS

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

PERMITTED USE: production of food, fibre or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, or one owner-occupied detached and one accessory dwelling unit; and principal permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

SECTION 22. PROCESSING APPLICATIONS FOR PERMITS.

Section 312-6.3, Public Review, of the Humboldt County Code, regarding applications for permits and variances, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

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

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

SECTION 23. PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER.

Section 312-9 of the Humboldt County Code, regarding public hearings is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

9.2.4

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER				
Application Type	May Be Waived¹	Director²	Zoning Administrator²	Planning Commission
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission			O	O
Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section <u>312-9.2.5</u>	W			
<u>Coastal Development Permits for Accessory Dwelling Units, whether or not they are appealable to the California Coastal Commission.</u>	<u>NR</u>			
Coastal Development Permits that are not appealable to the California Coastal Commission	W	O		
Planned Unit Development Permits			O	O

“W” indicates that the Public Hearing may be waived.
 “O” identifies the Authorized Hearing Officer.

“NR” indicates Public Hearing not required, pursuant to state law.

1 Subject to making all required findings of Section 312-9.2 of this Chapter.

2 The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

9.2.6

~~Second residential~~ Accessory Dwelling units do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2.

SECTION 24. EFFECTIVE DATE.

This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on _____, 2020

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

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

Dated: _____, 20__

Rex Bohn, 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