

## ATTACHMENT 5

**Ordinance No. \_\_\_\_\_, repealing Ordinance 2651 and adding section 313-69.05; amending sections 313-6 and 313-7, and amending sections 313-107, 313-109, 313-136, 313-137, 313-148, 313-154, 313-155, 313-163, and 313-177 of Chapter 3 of Division 1 of Title III of the County Code, Coastal Zoning Code; and amending sections 312-6 and 312-9 of Chapter 2 of Division 1 of Title III of the County Code, General Provisions, all relating to Accessory Dwelling Units. (Coastal Accessory Dwelling Unit Ordinance)**

## **ORDINANCE REPEALING ORDINANCE 2651, COASTAL ACCESSORY DWELLING UNIT REGULATIONS, AND AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 3 OF HUMBOLDT COUNTY CODE**

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

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

Title III, Division 1, Chapter 3 of the Zoning Regulations is hereby amended to be consistent with California Government Code Section 68582.2, and to implement measure H-IM41 of the 2019 Humboldt County Housing Element and other related policies and measures. The ordinance repeals the previous Ordinance 2651 in its entirety; repeals section 313-87.1 of the Humboldt County Code; adds section 313-69.05; amends section 313-107, section 313-109, section 313-136, section 313-137, section 313-148, section 313-154, section 313-155, section 313-163, and section 313-177; amends associated zoning regulation tables in sections 313-6 and 313-7 of Chapter 3 of Division 1 of Title III of the County Code, Coastal Zoning Code; and amends sections 312-6 and 312-9 of Chapter 2 of Division 1 of Title III of the County Code, General Provisions, relating to Accessory Dwelling Units.

### **SECTION 2. PROCESSING APPLICATIONS FOR PERMITS.**

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

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

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

6.3.1 Applications for Accessory Dwelling Units (ADUs) generally do not require a Public Hearing, but may require a Coastal Development Permit if within the Coastal Zone. In the Coastal Zone, notice of an application for a Coastal Development Permit for an ADU, where no public hearing is required, must be given in accordance with Section 312-8.1 and 8.2.

**SECTION 3. PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER.**

Section 312-9 of the Humboldt County Code, regarding public hearings is amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

**9.2.4**

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

<b>9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER</b>				
<b>Application Type</b>	<b>May Be Waived<sup>1</sup></b>	<b>Director<sup>2</sup></b>	<b>Zoning Administrator<sup>2</sup></b>	<b>Planning Commission</b>
Planned Unit Development Permits			O	O

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

“O” identifies the Authorized Hearing Officer.

“NR” indicates Public Hearing not required, pursuant to, Govt. Code section 65852.2, but members of the public still may provide written comments.

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

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

#### SECTION 4. ACCESSORY DWELLING UNIT ORDINANCE

Subdivision 313-87.1 regarding Secondary Residential Units in Title III, Division 1, Chapter 3 of the Humboldt County Code is hereby repealed and replaced by 313-69.05 as follows (modifications approved by the Planning Commission on May 1, 2021 are shown in ~~strike out~~ and additions as underlined text):

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

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

#### **69.05.1 Purpose and Findings.**

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

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

~~87.1.2 Second Residential Units Permitted with Special Use Permit. A second residential unit use~~

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

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

In general, ADUs are permitted without discretionary review a public hearing in any zone that allows single family or multifamily dwelling residential use and includes a proposed or existing dwelling, if the general provisions in 69.05.3 are met, the ADU meets the Development Regulations and Standards of section 69.05.4, and the Exceptions in 69.05.2.2 do not apply. As specified in the Principal Zones in Sections 313-2.1 through 313-7.3, ADUs are allowed in the RS, RM, R2, RA, AE, TC, and TPZ zones with a Coastal Development Permit (CDP) as set forth below. The Coastal Act still applies, and a Coastal Development Permit (CDP) is required for development that is not exempt and is not subject to waiver, except that public hearings are not required for CDP applications for accessory dwelling units. The CDP process for is described in Section 312-6 of this code.

#### ~~69.05.2.1 No Coastal Development Permit Required~~

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

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

#### 69.05.2.1 Coastal Development Permit Requirements For ADUs

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

- (a) ADUs Exempt or Excluded from CDP Requirements:
  - i. Junior Accessory Dwelling Units (JADU's) as defined in Govt. Code section 65852.22, that conform to requirements of that section are exempt from the requirement for a CDP unless specified otherwise in a previously issued CDP for existing development on the lot.
  - ii. ADUs that meet the requirements of the Categorical Exclusion Order E-86-4 may be excluded from CDP requirements as accessory structures if they are located: (i) within the Order's defined geographic area, (ii) not within a Coastal Commission appeals jurisdiction, (iii) not within an archaeological resource area, (iv) not within 200 feet of a coastal stream or wetland; and the ADU does not require a Special Permit or Variance.

(b) ADUs Allowed Without a Public Hearing

ADU's are allowed with a CDP that does not involve a public hearing if they are located outside the geographic area of the Categorical Exclusion Order E-86-4, outside the Coastal Commission appeals jurisdiction, and outside archaeological resource areas, and do not require a Special Permit or Variance. Notice must be given in accordance with Section 312-8 of this code, and final notice of the decision must be provided as described in Section 312-6.7.

(c) ADUs Allowed With a Public Hearing

ADU's that do not meet the above criteria in paragraphs (a) or (b) require a CDP with a public hearing in accordance with Section 312-9. Notice must be given in accordance with Section 312-8 of this code, and final notice of the decision must be provided as described in Section 312-6.7.

69.05.2.2 Exceptions

ADUs may be ~~excluded~~ prohibited or may require a Special Permit in certain designated areas as described in section 69.05.6, based on adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Outside the ADU Special Permit Area, an ADU that cannot meet all the criteria in subsection 69.05.4 may still be permitted with a Special Permit under certain circumstances. If an earlier CDP issued for an existing structure indicates that future improvements would require a development permit, a CDP with public hearing is required.

69.05.2.3 Expedited Application Review

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

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

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

The following provisions apply to ADUs and JADUs.

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

69.05.3.1 One or more ADUs per lot.

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

69.05.3.2 Ownership.

An ADU shall not be sold separately from the principal dwelling, except that Moveable Tiny Houses 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 107.1 of this code.

69.05.3.5.2 Tiny Houses and Moveable Tiny Houses as ADUs.

A Tiny House as defined in Section 313-155 that meets all applicable building and development standards in this code is deemed a single-family dwelling, and is allowed as an ADU. A Moveable Tiny House as defined in Section 313-148 that meets all applicable building and development standards in this code, and meets the criteria in 69.05.5, is deemed a single-family dwelling and is allowed as an ADU.

69.05.3.6 Sewer and Water Service.

All new ADUs within Urban Service Areas shall connect to public wastewater systems if wastewater treatment is available. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the

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

#### 87.1.3.6 69.05.3.7 Existing Single-Family Residence

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

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

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

Combinations of ADUs and JADUs may be permitted on the same lot within residential or mixed-use zones in the configurations listed below. A junior accessory dwelling unit (JADU) is defined in 69.05.2 above, and in Govt. Code section 65852.22.

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

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

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling, or within the existing space of a single-family dwelling or accessory structure, and may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The ADU or JADU has separate exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, or by Fire Safe regulations if the site is within a State Responsibility Area for fire response.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22 including a maximum size of 500 square feet floor area.

A CDP is required for conversion of a non-habitable accessory building to an ADU unless exempt or excluded from CDP requirements as described in Section 69.05.2.

##### 69.05.3.8.2 New Detached ADU

One detached, newly constructed accessory dwelling unit with minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. ~~If a non-habitable accessory building is converted to an ADU or JADU a Coastal Development Permit is required.~~ In addition to the detached accessory dwelling unit, one JADU is allowed on the lot, if the JADU is within a single-family or accessory structure as described in subsection 69.05.3.8.1, and:

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

69.05.3.8.3 ADUs in Existing Multifamily Structures

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

69.05.3.8.4 Detached ADUs with Existing Multifamily Structures

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

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

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

87.1.4.1 69.05.4.1 Utilities.

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

69.05.4.1.1 Connection Fees

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

69.05.4.1.2 Impact Fees.

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

69.05.4.1.3 No New Connections in Existing Structures

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

69.05.4.1.4 New Detached Units.

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

69.05.4.1.5 Districts Under Moratoria or Compliance Orders

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

69.05.4.2 Building Site.

The accessory dwelling unit shall be on the same lot as ~~building site shall be shared in common with the proposed or existing primary residence, main dwelling unit.~~ The residences share a common building site when they are located no further than thirty 300 feet from each other and when they share a common driveway. ~~proposed or existing primary residence. Second residential units which cannot comply with these building site standards may be allowed with a Use Permit.~~ Accessory dwelling units must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ, TC, or AE, the curtilage area for residences, ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Residences, ADUs, associated residential structures, driveways, and utilities shall be sited so as to ~~avoid prime soils to the maximum extent feasible, and to~~ minimize impacts to agriculturally related activities. ADUs are prohibited on prime soils on agricultural lands. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size.

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

87.1.4.4 69.05.4.3 Total Floor Area.

The total floor area of ~~any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less.~~ a detached ADU shall not exceed 1,200 square feet. If there is an existing primary residence, the total area of floor space of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the area of the existing primary residence or 1,200 square feet. The minimum floor area shall be 150 square feet. Floor area includes all enclosed habitable living space but excludes sheds, garages and storage areas.

69.05.4.3.1 ADUs that exceed 1,200 square feet or attached ADUs that exceed fifty percent (50%) of the area of the existing primary residence may be permitted with a Special Permit. Exception: on AE parcels larger than 60 acres ADUs may exceed 1,200 square feet and attached ADUs may exceed fifty percent (50%) of the area of the existing primary residence without a Special Permit.

69.05.4.4 Sprinklers

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

87.1.4.5 69.05.4.5 Development Standards. Setbacks

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

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

69.05.4.6 Parking

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

69.05.4.6.1 Exceptions to Parking Standards.

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

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

87.1.4.8 69.05.4.8 Services.

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

87.1.4.9 69.05.4.9 Public Access.

~~Second~~ Accessory residential dwelling units shall not obstruct public access to and along the coast or public trails and shall conform to the Public Access Policies and Standards of the applicable Coastal Plan.

87.1.4.10 69.05.4.10 Visual Resources.

~~Second~~ Accessory residential dwelling units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast, and shall conform to the Visual Resource Protection Policies and Standards of the applicable Coastal Plan.

87.1.4.11 69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

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

87.1.4.12 69.05.4.12 Agricultural Lands.

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

69.05.4.13 Timberlands.

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

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

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

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

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

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

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

**69.05.5 Moveable Tiny House as an ADU.**

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

69.05.5.1 Skirting.

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

#### 69.05.5.2 Foundation or Pad

##### 69.05.5.2.1 Foundation.

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

##### 69.05.5.2.2 Paved or Alternate Pad.

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

###### 69.05.5.2.2.1 Paving.

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

###### 69.05.5.2.2.2 Alternative Paving Materials.

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

- (a) Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches).
- (b) Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.

#### 69.05.5.3 Mechanical equipment

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

#### 69.05.5.4 Sprinklers

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

#### 69.05.5.5 Applicable Codes

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

#### 69.05.5.6 Design standards.

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

- (a) Materials used as exterior wall covering shall be natural or man-made, non-reflective materials; and no more than 10% of the exterior may be reflective in nature;

- (b) Windows shall be at least double pane glass and labelled for building use, and shall include exterior trim;
- (c) Roofs shall have a minimum of a 1:12 pitch for greater than 50% of the roof area;
- (d) The unit shall be plumbed to allow connection to an approved means of sewage disposal, septic system, or waterless toilet. Portable or enclosed waste storage tanks are not allowed for sewage disposal.
- (e) A Moveable Tiny House need not be connected to a source of electrical power, but if it is, the installation shall be in accordance with the California Electrical Code, Part 3, Title 24, California Code of Regulations.

#### **69.05.6 ADU Special Permit Area.**

Lots located in the ADU Special Permit Area are presumed to have certain water and sewer service limitations, adverse impacts on traffic flow, and/or public safety conditions that may preclude construction of an ADU. An ADU may be prohibited or may require a Special Permit if these conditions are present:

- (a) Areas outside a Fire Protection District;
- (b) Airport incompatibility. A Special Permit may not be issued if the ADU exceeds the density limit in an airport zone;
- (c) Areas of active or historic landslides; areas of potential liquefaction; or areas along a bluff or cliff where the proposed ADU is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.
- (d) Flood and tsunami hazards; and
- (e) Proximity within 1,000 feet of a toxic cleanup site as designated by California Department of Toxic Substances.

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

#### **69.05.7 Coastal Resource Protection**

In order to protect coastal resources, parcels with the following characteristics may require a Coastal Development Permit unless the requirement is waived.

- (a) Lands within Coastal Commission appeals jurisdictions, as mapped on the County's GIS;
- (b) Parcels within Special Combining Zones that protect coastal resources, as mapped on the County's GIS, including A: Archaeological Resource Area and Special Archaeological Resource Area for Shelter Cove; B: Beach and Dune Areas; C: Coastal Resource Dependent; D: Design Review; E: Coastal Elk Habitat; R: Streams and Riparian Corridors; T: Transitional Agricultural Lands; and W: Coastal Wetland Areas Combining Zones;
- (c) ADUs are not permitted on parcels within Coastal Natural Resources areas as mapped on the County's GIS.

**69.05.8 Delayed Enforcement of Building Code Violations**

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

**69.05.9 Accessory Dwelling Units Allowed With Alternative Owner Builder Residence.**

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

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

~~87.1.6 Existing Second Dwelling Units.~~

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

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

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

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

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

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

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

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

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

## SECTION 5. DEFINITIONS

The following subdivisions of 313, Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 3 of the Humboldt County Code are added or amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

### **313-136 DEFINITIONS (A)**

**Accessory Dwelling Unit:** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot where a single family or multifamily dwelling is or will be situated. An accessory dwelling unit is an accessory building for purposes of Categorical Exclusion Order E-86-4, Section I(a). An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code; and a Tiny House or Moveable Tiny House as defined in this code. (See, Residential Use Types, Accessory Dwelling Unit, in Section D: Use Types; Tiny House, Section 155 Definitions (T); and Moveable Tiny House, Section 148 Definitions (M)).

### **313-137 DEFINITIONS (B)**

**Building Type, Residential:**

E. Ancillary Residential: A dwelling which is not the principal residence or main building on a lot or parcel, such as ~~a second residential unit~~, an accessory dwelling unit, guest house, caretaker's residence, farm laborers' residence, etc.

### 313-148 DEFINITIONS (M)

**Moveable Tiny House**. ~~Moveable Tiny House~~. A structure no larger than 400 square feet intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that meets these six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets National Fire Protection Association (NFPA) RV 1192 standards, or if certified after January 1, 2021, meets American National Standards Institute (ANSI) 119.5 Park Model standards. Certification must be made by a qualified third-party inspector accredited through American Society for Testing and Materials.
2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power;
3. Is no larger than allowed by California State Law for movement on public highways;
4. Has at least 120 square feet of first floor interior living space;
5. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation; and
6. Substantially complies with local building, health, and safety codes as set forth in this code so that it qualifies as a permanent dwelling.

### 313-154 DEFINITIONS (S)

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

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

### 313-155 DEFINITIONS (T)

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

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

## SECTION 6. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

### 313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

#### 107.1.4 Exceptions for Existing Substandard Manufactured Home Parks.

The Hearing Officer may modify the requirements of Section 107.1.3 for an existing substandard park proposed to be enlarged or altered provided that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result, and subject to making the applicable findings for granting exceptions in Chapter 2, Procedures, of this Code. (For more information on manufactured homes, see Section 313-132, Nonconforming Structures, and Section 313-69.05, ~~Second Residential Units, Accessory Dwelling Units.~~)

## SECTION 7. OFF-STREET PARKING

Section 313-109.1.4 of the Humboldt County Code, regarding parking spaces required, is amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

### 313-109.1 OFF-STREET PARKING

#### 109.1.4 Parking Spaces Required.

The number of off-street parking spaces required shall not be less than the following:

##### 109.1.4.1 Residential Uses.

##### 109.1.4.1.1 Single Detached and Duplex Building Types

##### 109.1.4.1.1.1 Spaces Required, Setback

One (1) parking space is required for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom, and the required parking shall be sited outside the front yard setback. The following exceptions apply to Accessory Dwelling Units:

##### 109.1.4.1.1.1 Accessory Dwelling Unit Exception

(a) One (1) parking space for each accessory dwelling unit. These spaces may be provided in tandem on a driveway. Offstreet parking shall be permitted in setback areas or through tandem parking, unless parking in

setback areas or tandem parking is not feasible based specific site conditions, or regional topographical conditions, or fire and life safety conditions.

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

## SECTION 8. USE TYPE AND CLASSIFICATION

Subdivision 313-163 of Chapter 3, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification, is amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

### **313-163 LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS**

#### 163.1.8 Residential Use Types.

##### Accessory Dwelling Unit (See Residential Zoning Designations, Principal Permitted Uses)

Caretaker's Residence

Community Care Facility

Family Day Care Center

Family Day Care Home

Farm Employee Housing

Group Residential

Guest House

Labor Camp

Manufactured Home Park Development

Multi Family Residential

Residence Incidental to Agriculture or Commercial

Timber Production (See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)

Second Agriculture or Commercial Timber Production Residence

~~Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)~~

(See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)

Single Family Residential

#### 163.1.9 Principal Permitted Uses

163.1.9.5 Residential Single Family

The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential, ~~Second Residential Unit~~, Accessory Dwelling Unit, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.6 Residential Multi Family

The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential, Accessory Dwelling Unit, Group Residential, and Minor Utilities to serve these uses.

163.1.9.7 Mixed Residential

The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, Multi Family Residential (Duplex only), Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.8 Rural Residential Agricultural

The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential, ~~Second Residential Unit~~, Accessory Dwelling Unit, General Agriculture, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit (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, Accessory Dwelling Unit, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

163.1.9.10 Commercial Timber

The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.11 Timber Production

The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential and Cottage Industry use types do not require a conditional

use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

## SECTION 9. RESIDENTIAL USE TYPES

Subdivision 313-177 of Chapter 3, Section D, Part 2 of the Humboldt County Code, Glossary of Use Types, is amended to read as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

### **313-177 RESIDENTIAL USE TYPES**

177.05 Accessory Dwelling Unit.

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

The Accessory Dwelling ~~Second Residential~~ Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family household. (See Section 313-69.05, ~~Second Residential Unit~~ Accessory Dwelling Unit for regulations governing ~~second residential~~ accessory dwelling units.)

## **SECTION 10. COMMERCIAL RECREATION ZONE DISTRICT**

Table 5.2 in Section 313-5 regarding Recreation and Conservation Zone Districts in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code is amended as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

### 313-5 COMMERCIAL ZONE DISTRICTS

<a href="#">313-5.2</a>	<b>CR: Commercial Recreation</b>
	<b>Principal Permitted Use</b>
	Commercial Recreation Principal Permitted Use (See Section <a href="#">313-163.1.9</a> for description)
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential <u>Junior Accessory Dwelling Unit</u> Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Commercial Use Types	Recreational Vehicle Park
Commercial Timber Use Types	Timber Production
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Boating Facilities Improvements
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CR zone.

### SECTION 11. RESIDENTIAL ZONE DISTRICTS

Tables in Section 313-6 regarding Residential Zone Districts in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

#### 313-6 RESIDENTIAL ZONE DISTRICTS

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

<b>313-6.1 RS: Residential Single Family</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RS-5	5,000 sq. ft.	50 feet
RS-7.5	7,500 sq. ft.	60 feet
RS-10	10,000 sq. ft.	60 feet
RS-20	20,000 sq. ft.	75 feet
RS-40	40,000 sq. ft.	150 feet
<b>Maximum Lot Depth</b>	Three (3) times the lot width.	

<p><b>Maximum Density</b></p>	<p>One dwelling unit (1du) per lawfully created lot <del>or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. plus one accessory dwelling unit(s), or one accessory dwelling unit and one junior accessory dwelling unit as described in 69.05.3.8.</del> <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>
<p><b>Minimum Yard Setbacks***</b></p>	
<p>Front</p>	<p>Twenty feet (20').</p>
<p>Rear</p>	<p>Ten feet (10').</p>
<p>Interior Side</p>	<p>Five feet (5').</p>
<p>Exterior Side</p>	<p>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.</p>
<p>Double Frontage Lots</p>	<p>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.</p>
<p>Flag Lots</p>	<p>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.</p>
<p><b>Maximum Ground Coverage</b></p>	<p>Thirty-five percent (35%).</p>
<p><b>Maximum Structure Height</b></p>	<p>Thirty-five feet (35').</p>
<p><b>Permitted Main Building Types</b></p>	<p>Residential Single Detached; <u>Ancillary Residential</u>; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group</p>

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

<b>313-6.2 RM: Residential Multi-Family</b>	
	<b>Principal Permitted Use</b>
	Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)
	<b>Conditionally Permitted Use</b>
<b>Use Type</b>	
Residential Use Types	Single Family Residential <del>where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements.</del> Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services Community Assembly Non-Assembly Cultural Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Transient Habitation Private Recreation Neighborhood Commercial Office and Professional Service Private Institution
Commercial Timber Use Type	Timber Production
Natural Resource Use Type	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.

313-6.3 R2: MIXED RESIDENTIAL

<b>313-6.3 R2: MIXED RESIDENTIAL</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks; Ancillary Residential. Only one dwelling per lot or manufactured home <u>per</u> lot except for an <u>accessory dwelling unit</u> (see, <u>Accessory Dwelling Unit</u> in Section 313-69.05). Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.

313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

<b>313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA -1	1.0 acres	150 feet
RA -2	2.0 acres	175 feet
RA -2.5	2.5 acres	175 feet
RA -5	5.0 acres	250 feet
RA -10	10.0 acres	350 feet
RA -20	20.0 acres	475 feet

RA -40	40.0 acres	750 feet
<b>Maximum Lot Depth</b>	Four (4) times the lot width.	
<b>Maximum Density</b>	<del>Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit.</del> <u>plus one accessory dwelling unit. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u>	
<b>Minimum Yard Setbacks***</b>	<b>Minimum Lot Size Less Than 2.5 Acres</b>	<b>Minimum Lot Size 2.5 Acres or Greater</b>
Front	Twenty feet (20')	Twenty feet (20'); Thirty feet (30') for flag lots
Rear	Ten feet (10')	Thirty feet (30')
Interior Side	Five feet (5')	Thirty feet (30')
Exterior Side	Twenty feet (20')	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%)	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached; <u>Ancillary Residential</u> Limited Mixed Residential - Nonresidential	
Nonresidential Detached or Multiple/Group		

**SECTION 12. 313-7 RESOURCE USE REGULATIONS**

Tables in Section 313-7 regarding Resource Use Regulations in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (modifications approved on Sept. 1, 2020 are shown in ~~strike out~~ and additions as underlined text; modifications proposed here are shown in ~~double strike out~~ and additions as double underlined text):

**313-7 Resource Use Regulations**

313-7.1 AE: Agriculture Exclusive

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

Residential Use Types	<p>Guest House                  Farm Employee Housing                  Labor Camp                  Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size)                  Single Family Residential (a Use Permit is required on a lot less than sixty acres (60a) in size for a second single detached dwelling <u>other than an Accessory Dwelling Unit</u>)</p>
Civic Use Types	<p>Essential Services                  Solid Waste Disposal; subject to the Solid Waste Disposal Regulations                  Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations                  Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations                  Minor Generation and Distribution Facilities</p>
Industrial Use Types*	<p>Aquaculture, allowed within non-prime agricultural lands only                  Cottage Industry; subject to the Cottage Industry Regulations</p>
Agricultural Use Types	<p>Hog Farming                  Feed Lots/Slaughter House                  Kennels                  Agriculture-Related Recreation                  Intensive Agriculture</p>
Extractive Use Types	<p>Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations                  Surface Mining - 2; subject to the Surface Mining Regulations                  Surface Mining - 3; subject to the Surface Mining Regulations                  Metallic Mineral Extraction; subject to the Surface Mining Regulations</p>
Natural Resource Use Types	<p>Fish and Wildlife Management                  Watershed Management                  Wetland Restoration                  Resource-Related Recreation                  Coastal Access Facilities</p>
Use Types Not Listed in This Table**	<p>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.</p>

313-7.2 TC: Commercial Timber

<b>313-7.2 TC: Commercial Timber</b>	
<b>Principal Permitted Use</b>	
Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)	
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	<del>Single Family Residential</del> . A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit</u> .
Civic Use Types	<p>Essential Services                  Solid Waste Disposal; subject to the Solid Waste Disposal Regulations                  Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations                  Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations                  Minor Generation and Distribution Facilities</p>

Industrial Use Types*	Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agricultural Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
<b>Use Type</b>	<b>Compatible Uses Permitted with a Special Permit</b>
Residential Use Types	Labor Camp
Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration

313-7.3 TPZ: Timberland Production Zone

<b>313-7.3 TPZ: Timberland Production Zone</b>	
<b>Principal Permitted Use</b>	
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)	
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit.</u>
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agriculture-Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.
<b>Use Type</b>	<b>Compatible Uses Permitted with a Special Permit</b>
Residential Use Types	Labor Camp

Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration

SECTION 13. EFFECTIVE DATE.

This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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

(SEAL)

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

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