

CALIFORNIA COASTAL COMMISSION

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LCP-1-HUM-21-0067-3

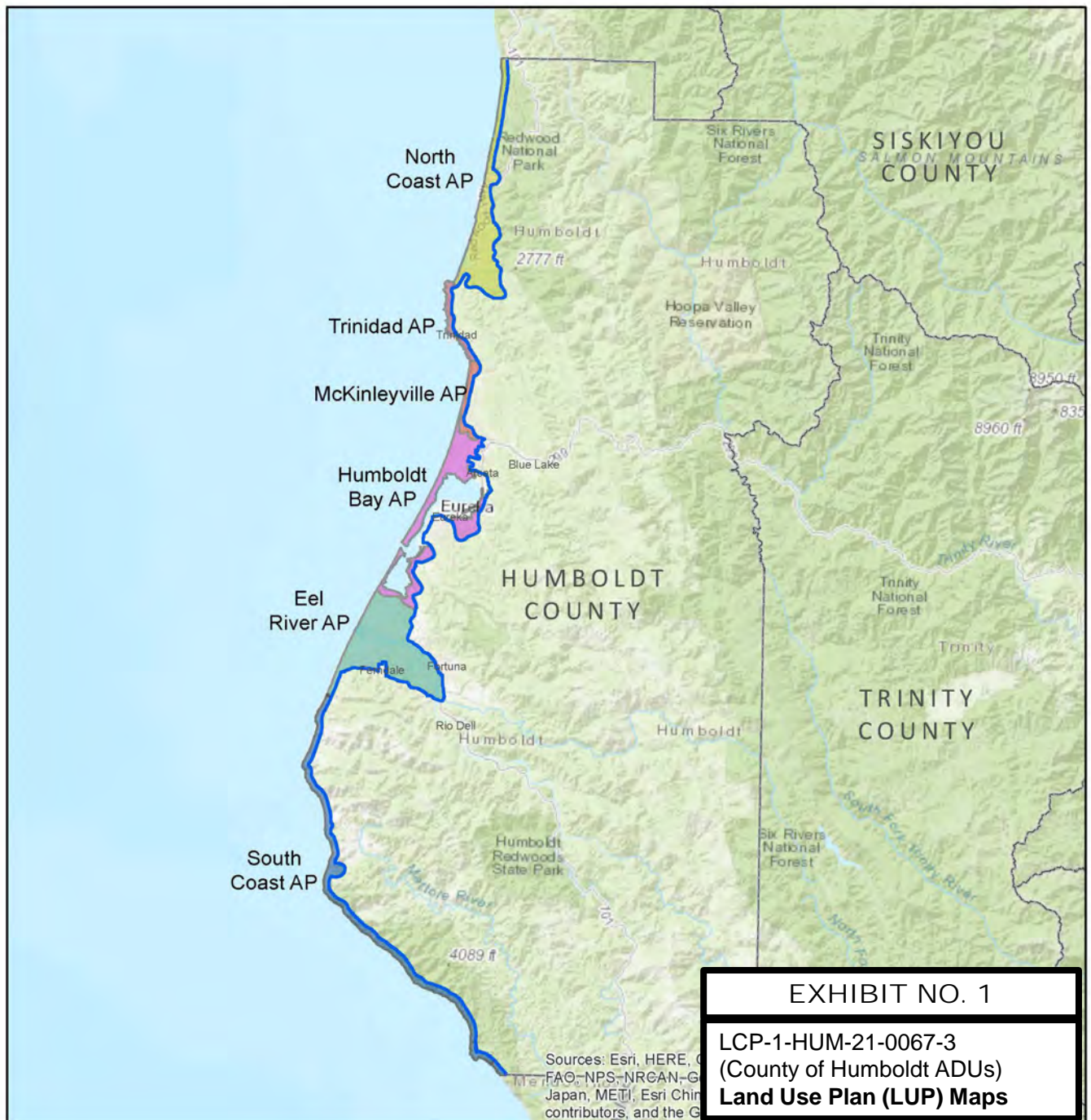
(HUMBOLDT COUNTY ACCESSORY DWELLING UNITS)

February 10, 2023

EXHIBITS

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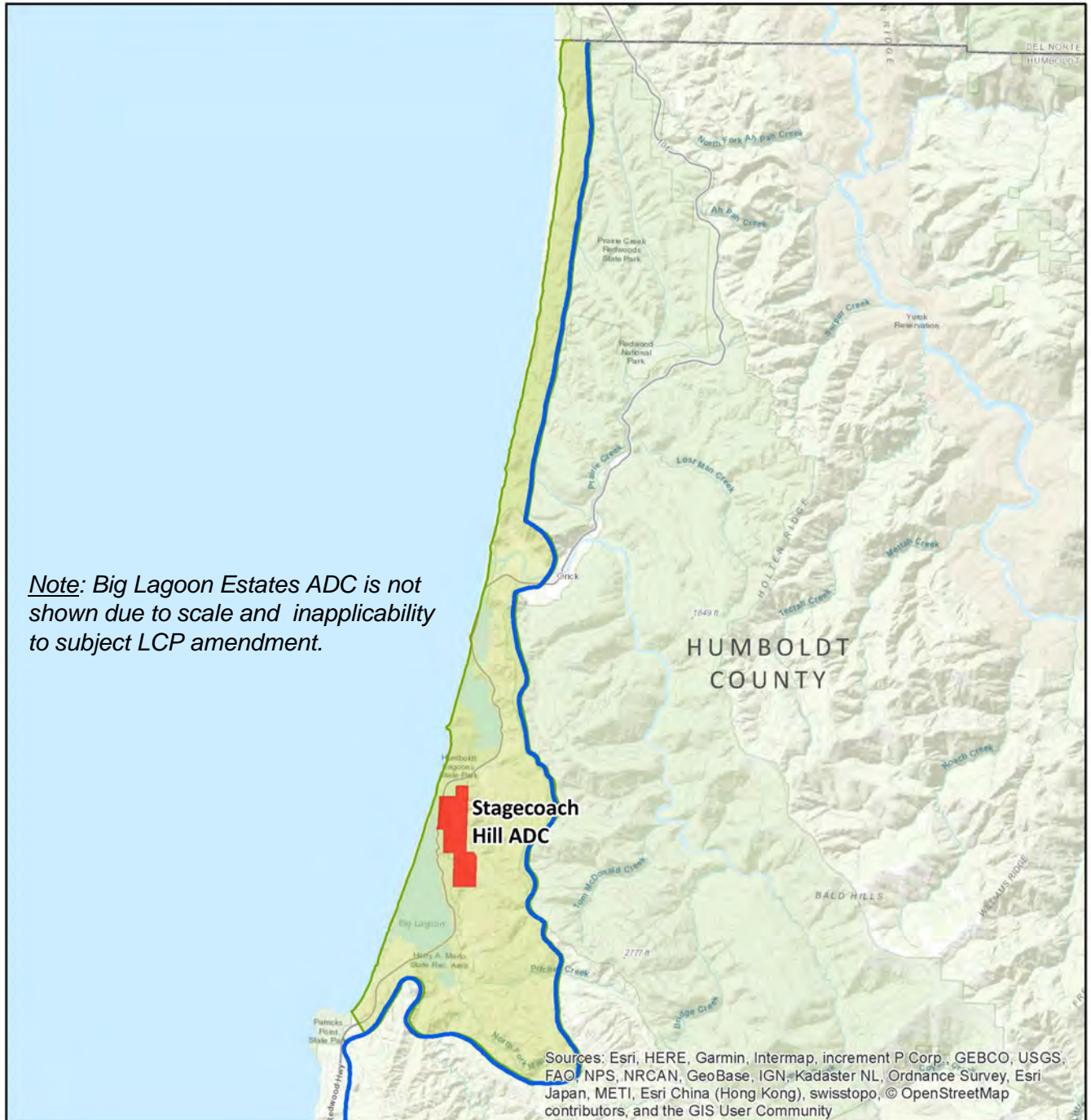
Humboldt County LUP Planning Areas



— Coastal Zone Boundary

-  North Coast Area Plan LUP Area
  Humboldt Bay Area Plan LUP Area
-  Trinidad Area Plan LUP Area
  Eel River Area Plan LUP Area
-  McKinleyville Area Plan LUP Area
  South Coast Area Plan LUP Area

Humboldt County LUP Planning Areas



— Coastal Zone Boundary

■ North Coast Area Plan LUP Area

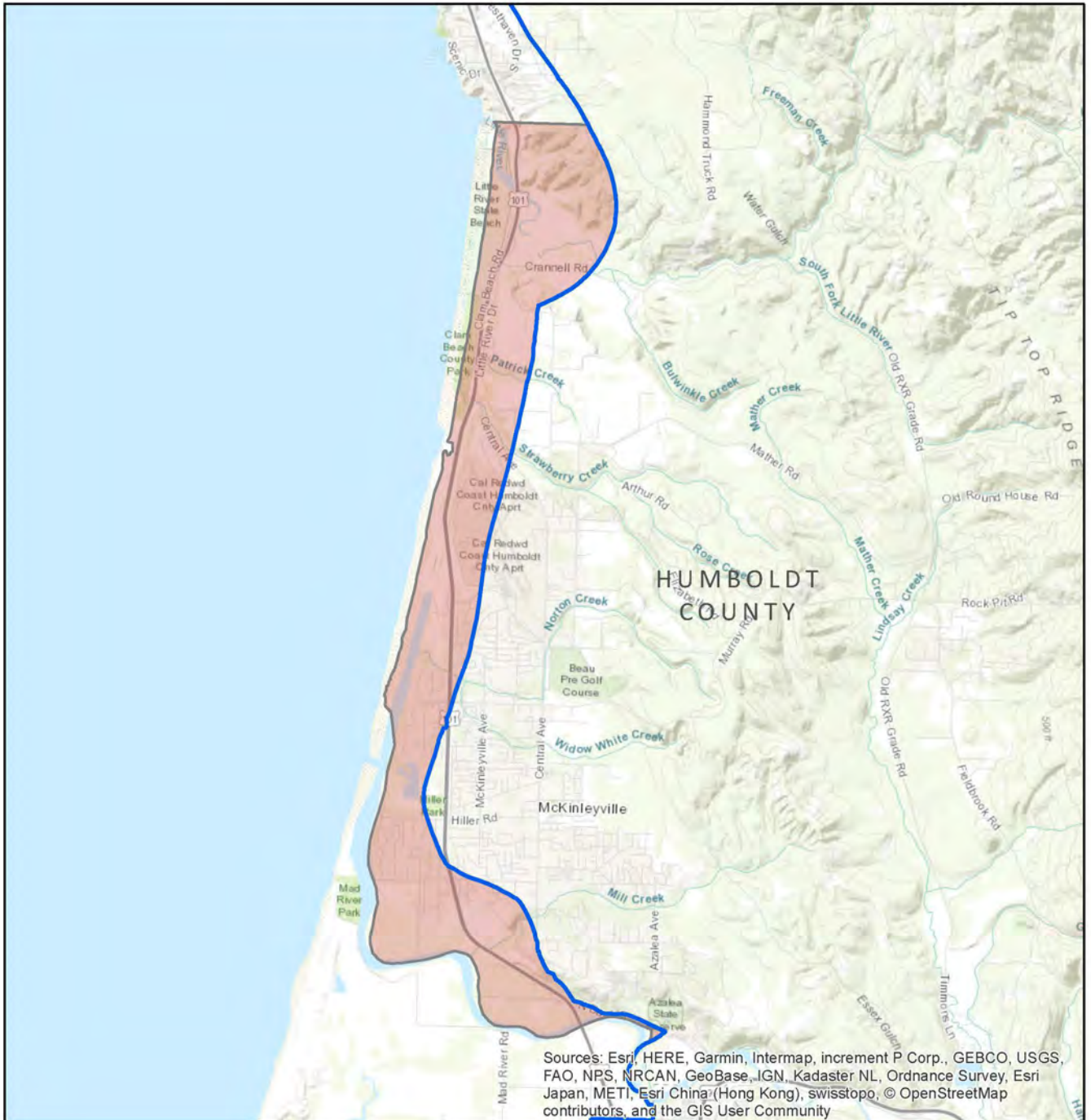
Humboldt County LUP Planning Areas



— Coastal Zone Boundary

Trinidad Area Plan LUP Area

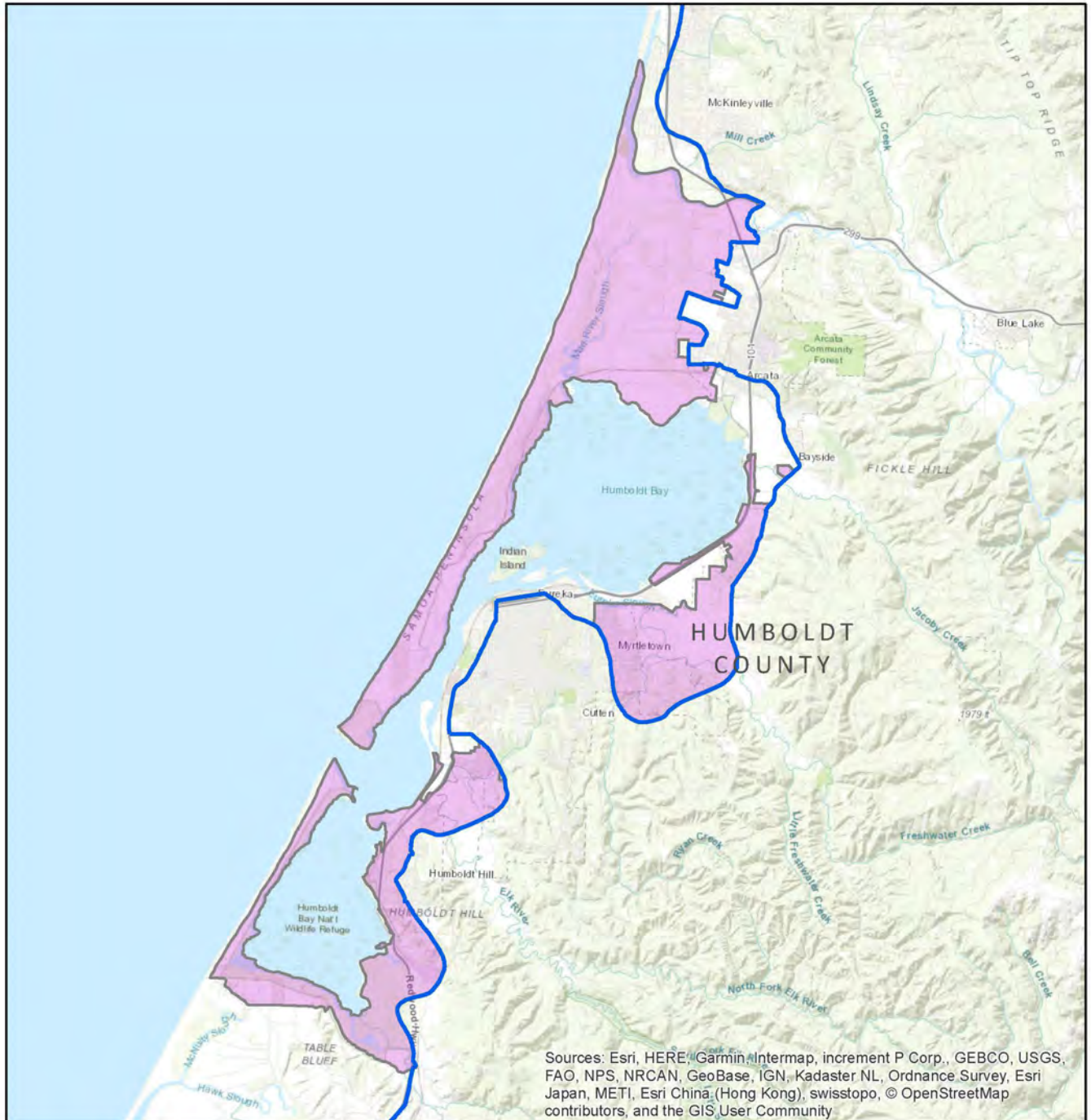
Humboldt County LUP Planning Areas



— Coastal Zone Boundary

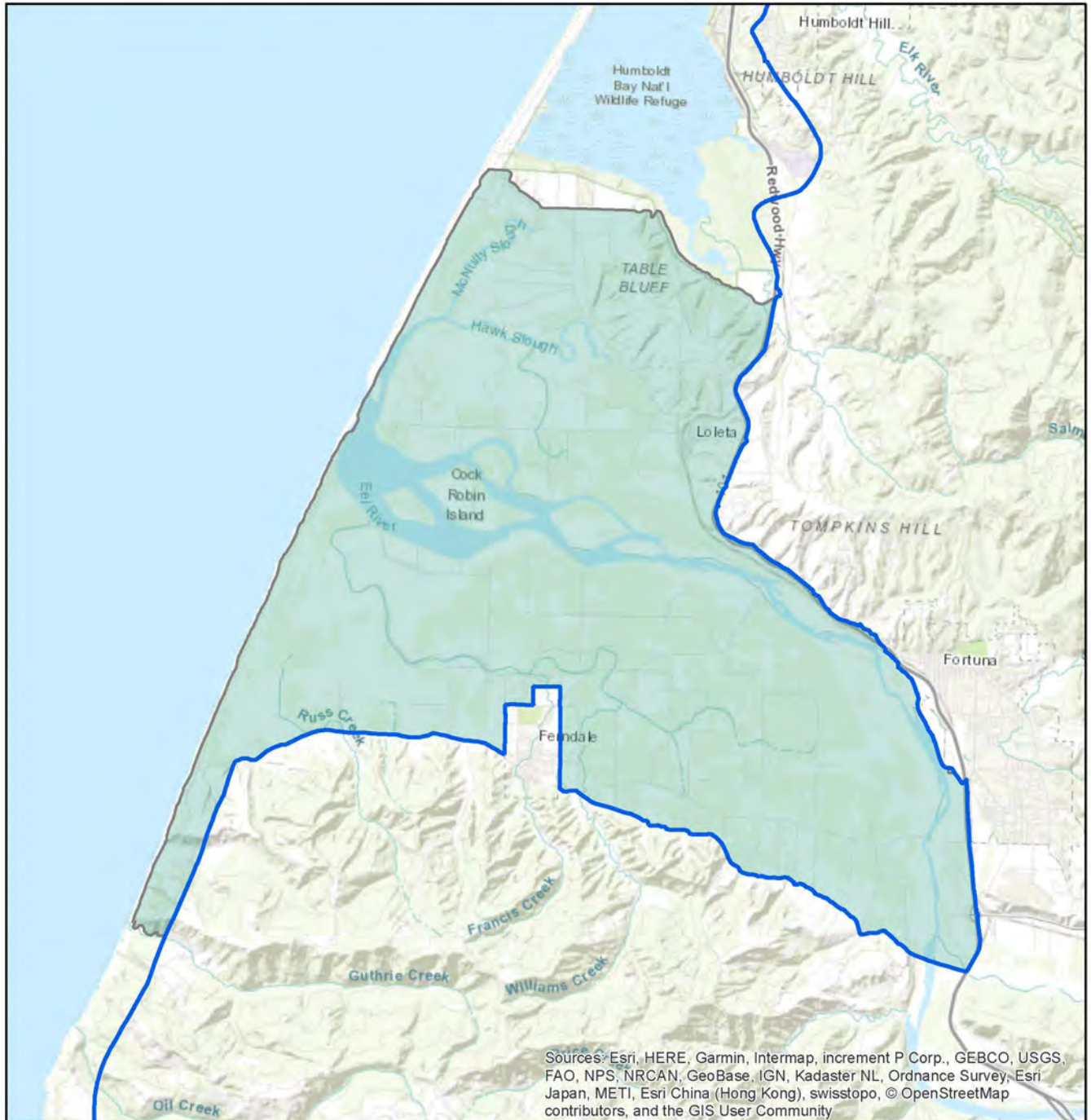
■ McKinleyville Area Plan LUP Area

Humboldt County LUP Planning Areas



- Coastal Zone Boundary
- Humboldt Bay Area Plan LUP Area

Humboldt County LUP Planning Areas



— Coastal Zone Boundary

■ Eel River Area Plan LUP Area

Humboldt County LUP Planning Areas



— Coastal Zone Boundary

■ South Coast Area Plan LUP Area

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 21-70

RESOLUTION NO. 21-70 of the Board of Supervisors of the County of Humboldt CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKING FINDINGS OF FACT CONCERNING THE LOCAL COASTAL PROGRAM AMENDMENT, AND ADOPTING AMENDMENTS TO SIX COASTAL LAND USE PLANS, ALL PERTAINING TO ACCESSORY DWELLING UNITS.

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

WHEREAS, the Board of Supervisors, at its September 1, 2020 meeting, approved the Coastal Accessory Dwelling Unit Ordinance No. 2651; and approved by Resolution 20-79, the Coastal Plan amendments (which together make up the "LCP Amendment"), and directed staff to transmit the LCP Amendment to the Coastal Commission for certification; and

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

WHEREAS, the amendments to the Board-approved Local Coastal Program presented here incorporate all changes requested by the Coastal Commission staff after the approval of the Draft LCPA on September 1, 2020 as well as text amendments mirroring those proposed for the Inland Zoning Regulations; and

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

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

WHEREAS, the Planning Division prepared and made available to the public the draft Local Coastal Program Amendment consisting of text amendments to the Coastal Zoning Ordinance, and changes to the six Local Coastal Plans;

WHEREAS, the Planning Division has made drafts of the proposed Local Coastal Program Amendment available to the public on the County's webpage at <https://humboldt.gov/2448/> 2019-Housing-Element; and

EXHIBIT NO. 2

LCP-1-HUM-21-0067-3
(County of Humboldt ADUs)
**Resolution of LUP Adoption &
Transmittal** (page 1 of 29)

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

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

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

WHEREAS, at the above meeting, Humboldt County Planning Commission approved Resolution 21-74 making all the required findings and recommending that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.
3. Adopt amendments to the Humboldt Bay Area Plan, North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan to update development policies and land use designations to accommodate changes in state law regarding ADUs in the coastal zone as shown in Exhibit A of this Resolution.
4. Repeal by ordinance, Ordinance 2651 amending the Coastal Zoning Regulations, and adopt the proposed Ordinance as shown in Attachment 5 of this staff report, amending section 312 of Chapter 2, and section 313 of Chapter 3 of Division 1 of Title III of the County Code.
5. Agree to carry out the Local Coastal Program Amendment in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal Land Use Plans.
6. Direct Planning staff to withdraw the Local Coastal Plan Application No. LCP-1-HUMJ-20-00904-1 transmitted to the California Coastal Commission on December 15, 2020 in its entirety, to be superseded by the revised Local Coastal Plan package herein, including all necessary supporting documentation, for their review and certification in accordance with Public Resources Code Section 30514.

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7. Resolve that the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Humboldt County Board of Supervisors.
8. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and

WHEREAS, on July 13, 2021 the Board of Supervisors held a public hearing on the proposed ordinance and related Coastal Plan amendments, received public comments, and reviewed and considered all public testimony and evidence presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. Pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA.
2. The Board makes the Required Findings of Approval for the Local Coastal Program Amendment findings set forth in Exhibit B of this Resolution which is fully incorporated herein by reference.
3. The Board of Supervisors finds the proposed amendments to the Coastal Zoning Regulations are in conformity with and appropriately carry out the policies of each of the Humboldt County's six Coastal Plans and certifies its intent to carry out the Coastal Plans in a manner fully consistent with the California Coastal Act.
3. The Board finds that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations will be carried out in accordance with the Coastal Act.
4. The Board of Supervisors provides notice to the California Coastal Commission and its staff that this Resolution withdraws the County's previously submitted Local Coastal Program Amendment (LCPA) Application No. LCP-1-HUM-20-0090-1, and replaces it with a subsequent transmittal containing the LCP proposed herein.

The current Application differs from the previous one in the following ways:

- The proposed LCP reflects the recommendations of the Coastal Commission in its January 6 and April 5, 2021 letters, and in later staff communications.

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- Repeals Ordinance 2651 which approved the previous LCP draft, and proposes a superseding ordinance.
- Corrects non-substantive errors and omissions in the previous draft and adds Coastal Development Permit process clarifications.
- Makes two substantive changes at the request of local Coastal Commission staff: (1) prohibits ADUs on prime agricultural soils in all agricultural designations instead of in AE and AEP only; and (2) adds elements to the definition of the two-acre residential curtilage area on timberlands.
- Makes minor, non-controversial text changes to the coastal zoning ordinance that make it easier to use, remove inconsistencies, and provide answers to common questions from the public.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby:

1. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Zoning Regulations and Coastal Plans required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission;
2. Adopts the Coastal Plan Amendments as shown in Exhibit A of this Resolution;
3. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinance within fifteen (15) days after its passage.
4. Directs Planning and Building Department staff to transmit the Coastal ADU Ordinance and Coastal Plan Amendments, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143. This transmittal supersedes the LCPA Application No. LCP-1-HUM-20-0090-1, which was transmitted on December 15, 2020 and is withdrawn herein.
5. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
6. Directs the Clerk of the Board to give notice of the decision to any interested party.


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

Dated: July 13, 2021


Virginia Bass, Chair
Humboldt County Board of Supervisors

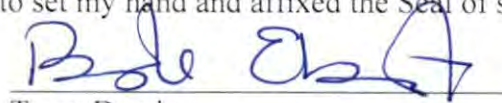
Adopted on motion by Supervisor Madrone, seconded by Supervisor Bushnell, and the following vote:

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

STATE OF CALIFORNIA)
County of Humboldt)

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

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


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

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**EXHIBIT A
To Attachment 4**

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

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

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

3.23 TIMBERLANDS

B. Development Policies

1. Identification of Timberlands

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

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

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

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

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

Other uses considered compatible with agricultural operations include:

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

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

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

4.10 A. URBAN LAND USE DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

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

RM: RESIDENTIAL/MEDIUM DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

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RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

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

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

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CR: COMMERCIAL RECREATIONAL

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

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

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

3.33 AGRICULTURE

B. COMPATIBLE USES

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

Other uses considered compatible with agricultural operations include:

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

3.34 TIMBERLANDS

B. COMPATIBLE USES

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

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

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

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

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

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RR: RURAL RESIDENTIAL

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

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

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

AG: AGRICULTURAL/GENERAL

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.24 TIMBERLAND

A. PLANNED USES

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1. Identification of Timberlands

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

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

TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.

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

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

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

CR COMMERCIAL RECREATIONAL

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

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

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

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RR RURAL RESIDENTIAL

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

RV RURAL VILLAGE

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

TC COASTAL COMMERCIAL TIMBERLAND

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

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

MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.34 AGRICULTURE

B. COMPATIBLE USES

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

Other uses considered compatible with agricultural operations include:

- a. Management for watershed.

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

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

MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

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

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5.20 URBAN PLAN DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

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

RM: RESIDENTIAL/MEDIUM DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

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

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

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

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AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS

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

AG: AGRICULTURE/GENERAL

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

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

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

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel;

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

Other uses considered compatible with agricultural operations include:

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

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

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5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

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

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

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURE/GENERAL

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

5.30 RURAL PLAN DESIGNATIONS

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

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

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

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AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

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

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

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

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

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATIONAL

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

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

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

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3.34 AGRICULTURE

B. COMPATIBLE USES

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

Other uses considered compatible with agricultural operations include:

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

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ADUs, associated residential structures, driveways, utilities, and fire safety setbacks shall not exceed two acres per parcel, or 50% of total acreage, whichever is smaller. Accessory dwelling units on timber lands shall not result in conversion to units of noncommercial size. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, Section 313-69.05. The A second dwelling that is not an accessory dwelling unit shall

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require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.

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

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

Principal Use: ~~detached single family homes;~~ 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 single detached and one accessory dwelling unit that is not on prime ag soil; and principal permitted uses under TC.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

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EXHIBIT B
To Attachment 4

REQUIRED FINDINGS OF APPROVAL

I. Required Findings of Approval - Local Coastal Program Amendment:

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

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).			
1.	FINDING:		The proposed LCP amendment is exempt from environmental review.
	EVIDENCE:	a)	Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA.
CONSISTENCY WITH THE GENERAL PLAN.			
2.	FINDING:		The Humboldt County General Plan states the General Plan may be amended if base information or physical conditions have changed. The base information and physical conditions underlying the General Plan have changed.
	EVIDENCE:	a)	The County's six local coastal plans were drafted and certified in the mid-1980s. Certain terminology and definitions require updating to remain meaningful to the public and to conform to state law.
		b)	Changes to state housing law in Gov't. Code Secs. 65852.2 and 65852.22 in 2017 and 2019 regulate Accessory Dwelling Units, formerly designated in Humboldt County Code as "Secondary Dwelling Units". The proposed amendment harmonizes language in accordance with that change.
		c)	New state law limits the ways in which ADUs can be regulated by local jurisdictions. The proposed amendments to the LCP are intended to relax restrictions on ADUs in accordance with these changes while preserving and protecting coastal resources.
3.	FINDING:		Humboldt County General Plan and state General Plan Law stipulate the General Plan Amendment must be in the public interest. The proposed amendment is in the public interest.

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	EVIDENCE:	a)	The purpose of the Land Use Plan amendments is to incorporate current state ADU law. For consistency, references to Secondary Dwelling Units or Second Units are amended to Accessory Dwelling Units. Eliminating multiple terms for the same object and removing confusing terminology promotes better understanding of the regulations, and is therefore in the public interest.
		b)	Amendments to the six local coastal plans (1) update terminology; (2) clarify ADUs as allowable uses as required by state law; and (3) specify resource protection measures pertaining to ADUs. A Local Coastal Program that is harmonized with state law prevents confusion and carries out Housing Element measures. The public deserves regulations that are current and do not conflict with state law; therefore, this amendment is in the public interest.
CONSISTENCY WITH STATE GENERAL PLAN LAW.			
4.	FINDING:		Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.
	EVIDENCE:	a)	The proposed LCP Amendment makes changes to the local coastal plans that (1) update terminology; (2) clarify ADUs as allowable uses as required by state law; and (3) specify resource protection measures pertaining to ADUs. No changes in land use are proposed that would reduce housing opportunities in coastal residential areas. On the contrary, reducing regulatory barriers to ADU development is intended to increase access to housing up to the allowed limits.
CONSISTENCY WITH THE ZONING ORDINANCE.			
5.	FINDING:		Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Coastal Zoning Ordinance amendment is in the public interest.
	EVIDENCE:	a)	The proposed amendment would remove the requirement for certain discretionary review in areas zoned to allow single family or multifamily use, and would relax development standards to facilitate low-cost housing. Given the findings of the legislature that (1) availability of housing is of vital statewide importance; (2) decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order; and (3) providing housing affordable to low- and moderate-income households requires the cooperation of all levels of government; the proposed ordinance advances these goals, and is therefore in the public interest.

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6.	FINDING:		Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed Coastal Accessory Dwelling Unit Ordinance amendment is consistent with, and implements the policies set forth in the six local land use plans: the Humboldt Bay Area Plan; North Coast Area Plan, South Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, and Eel River Area Plan.
	EVIDENCE:	a)	The Coastal ADU Ordinance amendments implement Timberlands Development Policies in HBAP section 3.23 and equivalent sections of the other land use plans, by specifying standards and regulations for development of ADUs on timberlands. Likewise, the ordinance implements Agriculture Development Policies in HBAP section 3.24 and equivalent sections of the other land use plans by specifying standards and regulations for development of accessory dwelling units on agricultural lands.
	EVIDENCE:	b)	Amendments to the coastal zoning ordinance implement development policies for ADUs set forth in HBAP sections 4.10A and 4.10B (and equivalent sections in the other land use plans) through standards and regulations that apply in urban and rural zoning designations.
	EVIDENCE:	c)	The amendments support Policy H-P29 of the General Plan, which directs the county to stimulate the construction of ADUs by relaxing development standards through code modifications to facilitate low-cost housing and to make more efficient use of existing roads; and Housing Element implementation measure H-IM41, requiring that the zoning code be amended to facilitate development of accessory dwelling units.
7.	FINDING:		Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance do not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law. The proposed amendments do not reduce the residential density.
	EVIDENCE:	a)	Some parcels affected by the ordinance changes are part of the 2019 Housing Element Housing Inventory. However, the proposed changes to the Local Coastal Program would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation). On the contrary, reducing regulatory barriers to ADU development is intended to increase housing density up to the allowed limits.
8.	FINDING:		<p>If the proposed changes to the Zoning Ordinance requires a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:</p> <p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public</p>

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		<p>access)</p> <p>b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p> <p>c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>f) 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>g) The proposed changes to the zoning code conform to the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.</p>
	EVIDENCE:	<p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).</p> <p>The proposed ordinance allows for new development adjacent to or within existing or new approved single family or multifamily residences. Impacts on coastal resource access would be evaluated under the same controls and conditions as the primary residences. ADUs proposed proximate to public coastal access points would be subject to the approval of a Coastal Development Permit by Humboldt County, and access protections set forth in the local coastal plan would apply. The proposed amendment will not affect coastal access.</p>

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

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 21-70

			<p>Since housing is an identified state-wide emergency, ADUs may be the best, lowest-impact way to accommodate that need.</p> <p>In conclusion, scenic resources, public works facilities, safety, and priority of coastal dependent developments will not be impacted by residential development resulting from the proposed amendment.</p>
		f)	<p>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>The proposed ordinance concentrates ADUs where single family and multifamily residential development is principally permitted. By definition, this precludes areas with industrial development. As a result, the ordinance would have no impact on industrial development.</p>

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

ORDINANCE NO. 2679

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, if no public hearing is required, must be given in accordance with Section 3

EXHIBIT NO. 3

LCP-1-HUM-21-0067-3
(County of Humboldt ADUs)
**Ordinance of Adoption of IP
Amendment** (page 1 of 28)

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

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

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER

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

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

“O” identifies the Authorized Hearing Officer.

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

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.

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 if~~ 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 maybe be sold when removed from the lot.

87.1.3.2 69.05.3.3 Renting Permitted.

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

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

87.1.3.4 69.05.3.4 Short-term Lodging Prohibited.

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

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

69.05.3.5 Building Type.

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

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

69.05.3.5.1 Manufactured Homes as Accessory Dwelling Units.

A manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting requirements, and foundation or setup configurations as described in Section 107.1 of this code.

69.05.3.5.2 Tiny Houses and Moveable Tiny Houses as ADUs.

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

69.05.3.6 Sewer and Water Service.

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

87.1.3.6 69.05.3.7 Existing Single-Family Residence

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

69.05.3.8 ADU and JADU Configurations Within Residential and Mixed Use Zones

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

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

69.05.3.8.1 ADU or JADU Within Existing Single-Family Structure

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

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

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

69.05.3.8.2 New Detached ADU

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

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

69.05.3.8.3 ADUs in Existing Multifamily Structures

Multiple accessory dwelling units within the portions of existing multifamily dwelling

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

69.05.3.8.4 Detached ADUs with Existing Multifamily Structures

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

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

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

~~87.1.4.1~~ 69.05.4.1 Utilities.

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

69.05.4.1.1 Connection Fees

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

69.05.4.1.2 Impact Fees.

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

69.05.4.1.3 No New Connections in Existing Structures

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

69.05.4.1.4 New Detached Units.

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

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

69.05.4.1.5 Districts Under Moratoria or Compliance Orders

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

69.05.4.2 Building Site.

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

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

87.1.4.4 69.05.4.3 Total Floor Area.

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

69.05.4.3.1 ADUs that exceed 1,200 square feet or attached ADUs that exceed fifty percent (50%) of the area of the existing primary residence may be permitted with a Special Permit. 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

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

69.05.9 Accessory Dwelling Units Allowed With Alternative Owner Builder Residence.

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

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

87.1.6 Existing Second Dwelling Units.

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

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

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

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

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

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

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

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

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

SECTION 5. DEFINITIONS

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

313-136 DEFINITIONS (A)

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

313-137 DEFINITIONS (B)

Building Type, Residential:

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

313-148 DEFINITIONS (M)

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

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

313-154 DEFINITIONS (S)

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

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

313-155 DEFINITIONS (T)

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

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

SECTION 6. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (modifications approved on Sept. 1, 2020 are

shown in ~~strike-out~~ and additions as underlined text; modifications proposed here are shown in ~~double-strike-out~~ and additions as double underlined text):

313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

107.1.4 Exceptions for Existing Substandard Manufactured Home Parks.

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

SECTION 7. OFF-STREET PARKING

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

313-109.1 OFF-STREET PARKING

109.1.4 Parking Spaces Required.

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

109.1.4.1 Residential Uses.

109.1.4.1.1 Single Detached and Duplex Building Types

109.1.4.1.1.1 Spaces Required, Setback

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

109.1.4.1.1.1 Accessory Dwelling Unit Exception

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

(b) Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing

primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit. In mapped Housing Opportunity Zones, for ADUs less than 1,000 square feet in size, no parking shall be required.

SECTION 8. USE TYPE AND CLASSIFICATION

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

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

163.1.8 Residential Use Types.

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

Caretaker's Residence
Community Care Facility
Family Day Care Center
Family Day Care Home
Farm Employee Housing
Group Residential
Guest House
Labor Camp
Manufactured Home Park Development
Multi Family Residential
Residence Incidental to Agriculture or Commercial
Timber Production (See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Second Agriculture or Commercial Timber Production Residence
~~Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)~~
(See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Single Family Residential

163.1.9 Principal Permitted Uses

163.1.9.5 Residential Single Family

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

163.1.9.6 Residential Multi Family

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

163.1.9.7 Mixed Residential

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

163.1.9.8 Rural Residential Agricultural

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

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential, 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

<u>313-5.2</u>	CR: Commercial Recreation
	Principal Permitted Use
	Commercial Recreation Principal Permitted Use (See Section <u>313-163.1.9</u> for description)
Use Type	Conditionally Permitted Use
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**

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 one accessory dwelling unit(s), or one accessory dwelling unit and one junior accessory dwelling unit as described in 69.05.3.8.</u> Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located. In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</p> <p>Note1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a legally binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.</p>
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; <u>Ancillary Residential</u> . 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

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 <u>one</u> 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; <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 Regulations313-7.1 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) 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>)
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	<u>Single Family Residential</u> . A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit</u> .
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations

Agricultural Use Types	Agricultural Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
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 <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.
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 13. EFFECTIVE DATE.

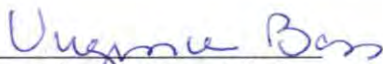
This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

PASSED AND ADOPTED this 13th day of July, 2021, on the following vote, to wit:

AYES: Supervisors: Bass, Bohn, Madrone, Bushnell

NOES: Supervisors:

ABSENT: Supervisors: Wilson



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