

**CALIFORNIA COASTAL COMMISSION**

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# F8a

## MEMORANDUM

**Date:** February 7, 2023

**To:** Commissioners and Interested Persons

**From:** Shana Gray, Deputy Director  
Melissa Kraemer, District Manager

**Subject:** Addendum for Commission Meeting for Friday, February 10, 2023  
Item F8a, County of Humboldt LCP Amendment No. LCP-1-HUM-21-0067-3 (Accessory Dwelling Units)

This addendum presents certain changes to the January 26, 2023 staff report for the above-referenced item, including one additional suggested modification (Suggested Modification 6) and associated findings. The added suggested modification and related findings relate to proposed IP section 313-69.05.09, which allows for the permitting of ADUs under the County's uncertified "Alternative Owner Builder Code" (Chapter 1.5, Section 331.5 of the Humboldt County Code). This uncertified code section allows for the use of alternative "rural housing construction standards" that are not compliant with state Uniform Building Codes in areas outside of a community services district. The code requires that anyone other than the owner-builder who occupies the structure must file a statement with the County Building Department acknowledging that they are occupying a structure "with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes..." The referenced Alternative Owner Builder Code is not certified as part of the LCP and may change without any further notice to the Commission. As a result, the external code requirements have the potential to inadvertently incorporate larger issues that are not subject to this amendment and subsequently have the potential to weaken LCP implementation. In this case, the process has the potential to allow development of ADUs in a manner that does not minimize risk to life and property in hazardous areas as required by the certified LCP, and therefore staff believes that deletion of this standard is necessary for the proposed IP amendment to conform with and adequately carry out the LUP policy directives requiring minimization of risk to life and property in areas of high geologic, flood, and fire hazards.

After discussion and coordination with the County, it was agreed that with Suggested Modification 6 would be added to delete IP section 313-69.05.09 in its entirety. Staff continues to recommend that upon completion of the public hearing, the Commission: (1) certify the Land Use Plan portion of LCP Amendment No. LCP-1-HUM-21-0067-3 as submitted; (2) reject the Implementation Plan (IP) portion of LCP Amendment No. LCP-1-HUM-21-0067-3 as submitted; and (3) certify the IP portion of LCP Amendment No. LCP-1-HUM-21-0067-3 if modified in accordance with the suggested changes set forth in the staff report, as modified by this addendum.

Bullets below reference page numbers of the January 26, 2023 staff report where changes are made. Text to be added is shown in underline format.

## I. Changes to the Suggested Modifications

- **Page 13:** Add Suggested Modification #6 to page 13, as follows:

**Suggested Modification 6 (Delete Alternative Owner Builder Code Allowance) - Delete IP section 313-69.05.09 in its entirety, which will prohibit the permitting of ADUs under the County's uncertified "Alternative Owner Builder Code" (Chapter 1.5, Section 331.5 of the Humboldt County Code), which otherwise allows for development in rural areas outside a community services district.**

## II. Changes to the Findings

- **Page 28:** Modify the first full paragraph on page 28, in the section "Adequacy of IP Amendments to Carry out LUPs As Amended" as follows:

Although in practice, requiring that ADUs meet local building code requirements and defining an ADU Special Permit Area as proposed could help ensure that ADUs in such areas can be appropriately sited and designed to be found consistent with all applicable standards of the LCP (in addition to the ministerial standards proposed in the ADU chapter), the IP amendment as submitted lacks specificity regarding the required findings for approval of an ADU in a Special Permit area and also requires a public hearing for such approvals, which is contrary to State ADU law. In addition, the IP amendment as submitted does not address JADUs in hazardous areas, areas outside of water and sewer service areas where there is a necessity to expand service or construct water wells or septic systems to serve the ADU or JADU, nor does it consider increased flooding from sea-level rise (SLR) over the life of the ADU development. Furthermore, the IP amendment as submitted allows for construction of ADUs under the County's "Alternative Owner Builder Code" permit process, which allows for development in a manner that does not minimize risk to life and property in hazardous areas, as required by Coastal Act section 30253 (which is a certified policy in each of the LUPs). This process, found in Chapter 1.5, Section 331.5 of the County Code,<sup>1</sup> is

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<sup>1</sup> See <https://humboldt.gov/DocumentCenter/View/195/Alternative-Owner-Builders-AOB-Ordinance-PDF>.

not part of the certified LCP but allows for the use of alternative “rural housing construction standards” in areas outside of a community services district. The standards allowed under this uncertified code section allow “alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided...” The code requires that anyone other than the owner-builder who occupies the structure must file a statement with the County Building Department acknowledging that they are occupying a structure “with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes...”

- **Page 31:** Add new findings related to Suggested Modification 6 as follows:

...Thus, **Suggested Modification 2** deletes the requirement for obtaining a discretionary approval for development of an ADU on lands within the Commission’s appeal jurisdiction and moves the requirement for obtaining a discretionary approval for parcels within special combining zones that protect coastal resources (as mapped on the County’s GIS) from section 69.05.7 to the ADU Special Permit Area provisions of section 69.05.6. This modification also adds the discretionary approval requirement to lots in areas outside of water and sewer service areas where there is a necessity to expand service or construct water wells or septic systems to serve the ADU or JADU. This will ensure that adequate services are provided for ADUs and JADUs in a manner that will not have significant adverse effects on coastal resources inconsistent with Coastal Act section 30250 (which, as cited above, is policy of each of the LUPs).

Lastly, **Suggested Modification 6** deletes in its entirety section 69.05.9, which would allow for construction of ADUs under the County’s “Alternative Owner Builder Code” (AOB code) permit process. The referenced AOB Code is not certified as part of the LCP and may change without any further notice to the Commission. As a result, the external code requirements have the potential to inadvertently incorporate larger issues that are not subject to this amendment and subsequently have the potential to weaken LCP implementation. Because inclusion of the AOB process would allow for development of ADUs in a manner that does not minimize risk to life and property in hazardous areas (by, for example, not requiring compliance with current seismic code standards), inclusion of this standard does not conform with and is inadequate to carry out the LUP policy directives requiring minimization of risk to life and property in areas of high geologic, flood, and fire hazards.

As suggested to be modified, the proposed amendment minimizes risk to life and property in areas of high geologic, flood, and fire hazard consistent with the hazard management policies of the certified LUPs.