

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 8TH STREET, SUITE 130
ARCATA, CA 95521
PHONE: (707) 826-8950
WWW.COASTAL.CA.GOV



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Prepared June 28, 2023 (for the July 13, 2023 Hearing)

To: Commissioners and Interested Parties
From: Shana Gray, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for July 2023**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and local government acceptance of modifications for LCP certification for the North Coast District Office are being reported to the Commission on July 13, 2023. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the waivers, immaterial amendments, and time extensions. The other items are presented for the Commission's information. Staff will report any objections received and any other relevant information on these items to the Commission when it considers the North Coast District Deputy Director's report on July 13.

With respect to the July 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on July 13, 2023 (see attached)

Immaterial Amendments

- 1-22-0251-A1, Sorrel Leaf Healing Center – Minor project changes (Eureka, Humboldt County)

LCP Certification Reviews

- LCP-1-HUM-21-0067-3, County of Humboldt – Accessory dwelling units (Humboldt County)

Time Extensions, Waivers, and Emergency Permits - None

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: June 25, 2023

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager
Tatiana Garcia, Coastal Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-22-0251
Applicant: Sorrel Leaf Healing Center, Inc.
Agent: North Point Consulting Group, Inc.

Project Site

124 Indianola Road, Eureka (Humboldt County) (APN: 402-161-005)

Original CDP Approval and Past Amendments

CDP 1-22-0251 was approved by the Commission on April 13, 2023 and authorized the development of a mental health crisis facility for children in an existing 4,872-sq.ft., 3-story single-family home, including 1.) renovation of the residence and replacement of the attached carport with a 2,428-sq.ft addition, 2.) construction of a 462-sq.ft. yoga pavilion, 600-sq.ft. greenhouse, and 1,176-sq.ft. barn for small livestock therapy animals, 3.) installation of a new onsite septic system, 4) reconfiguration and expansion of the parking area to include 27 off-street parking spaces, and 5.) installation of fencing, signage, landscaping, and stormwater drainage features.

Proposed CDP Amendment

Modifications to the approved development include 1.) renovate (rather than re-purpose) and expand the existing accessory building from 1,042-sq.ft. to 1,689-sq.ft.; 2.) enlarge the permitted yoga pavilion from 462-sq.ft. to 717-sq.ft.; 3.) modify and relocate various components of the septic system; 4.) relocate the permitted barn approximately 50-feet south; 5.) reduce the permitted greenhouse from 600-sq.ft. to 375-sq.ft.; and 6.) modify the internal floor plan of the main structure and permitted addition.

The Commission's reference number for this proposed amendment is **1-22-0251-A1**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed amendment includes various minor modifications to previously approved development, which overall, will cause slight reductions to buffer distances around the manmade onsite pond feature. The pavilion will largely remain in the approved paved footprint but extend westward approximately 14-feet closer to the pond. Internal floor plan modifications to the main structure and addition will decrease the distance to the pond by approximately 10-feet. Septic system modifications will decrease buffer distance to the pond by 24-feet, while simultaneously benefiting surrounding wetlands by increasing buffer distances to over 100-feet. Additionally, as proposed, the greenhouse and barn will be located further away from pond and wetland areas.

Although some buffer distances around the pond will be reduced, the amended project will continue to be subject to the conditions of the originally approved permit requiring numerous best management practices for the protection of water quality and other performance standards for the protection of environmentally sensitive habitat areas. In addition, protective fencing and signage will be installed in conformance with the conditions of the original permit in order to restrict access to the pond, wetlands, and associated buffers. The proposed work will not decrease buffer distances to the onsite Bald eagle nest. Therefore, as conditioned, the proposed project will not impact environmentally sensitive habitat areas.

Finally, as the site is not a designated scenic area, not visible from Highway 101, and is conditioned to employ low-wattage and downcast shielded lighting, the proposed minor modifications to structures on the property will not impact visual resources.

Therefore, as the amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, and the proposal is consistent with the City of Eureka certified LCP, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday, July 13, 2023. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN PERSON PARTICIPATION ALLOWED. Please see the Coastal Commission's Hybrid Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov/mtgcurr.html for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Hybrid Hearing Procedures, please email ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

Coastal Development Permit Amendment 1-22-0251-A1

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The in-person hearing will be held at Newport Beach City Council Chambers **100 Civic Center Drive Newport Beach, CA 92660** The Commission still strongly encourages continued participation virtually through video and teleconferencing to reduce our carbon footprint. To view the live stream of the hearing, please visit <https://cal-span.org/>.

If you have any questions about the proposal or wish to register an objection, please contact Tatiana Garcia in the North Coast District office at Tatiana.Garcia@coastal.ca.gov or by calling (707) 826-8950.

cc: Eureka Development Services

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NORTH COAST DISTRICT OFFICE
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VOICE (707) 826-8950
FAX (707) 826-8960

**Prepared June 28, 2023 for the July 13, 2023 Hearing**

TO: Coastal Commissioners and Interested Persons

FROM: Kate Huckelbridge, Executive Director
Melissa B. Kraemer, North Coast District Manager

SUBJECT: Executive Director's determination that the action of the County of Humboldt accepting the Commission's certification of LCP Amendment No. LCP-1-HUM-21-0077-3 (Accessory Dwelling Units) is legally adequate

On February 10, 2023, the Commission approved the County of Humboldt's Local Coastal Program (LCP) Amendment No. LCP-1-HUM-21-0067-3 with suggested modifications. The LCP amendment amends Chapters 2 and 3 of the Humboldt County Zoning Regulations by rescinding existing CZR sec. 313-87.1 (Second Residential Unit) and replacing it with new sec. 313-69.05 to set forth streamlined standards for creation or conversion of at least one Accessory Dwelling Unit (ADU) per lot zoned to allow residential use. The LCP amendment also amends each of the County's six certified Land Use Plans (LUPs) to add ADUs as a principal use to several land use designations and to update agricultural and timberland policies to specify that an ADU is a compatible use on these resource lands.

The suggested modifications principally relate to the following: (1) requiring new, detached ADUs to be clustered with other existing structures to reduce impacts to ESHA or other coastal resources from fuel modification, noise, lighting, and other disturbances; (2) requiring a Special Permit for ADUs and JADUs located on lots in areas subject to future sea level rise within a 75-year design life horizon, (3) adding standards to clarify that an ADU or JADU located on a lot in a Special Permit Area may only be allowed if hazard risks can be adequately mitigated (e.g., such as through hazard disclosure requirements), (4) prohibiting the permitting of ADUs under the County's uncertified "Alternative Owner Builder Code," (5) adding a requirement for recordation of a deed restriction prohibiting the use of any dwelling for transient habitation, (6) deleting the allowance for permitting an ADU with a Special Permit that exceeds 1,200 square feet in size, and (7) correcting procedural inconsistencies between the County's ADU ordinance and the state's ADU laws.

By its actions adopting Resolution No. 23-96 (Attachment 1) and Ordinance No. 2317 (Attachment 2) on June 27, 2023, the Humboldt County Board of Supervisors has acknowledged and accepted the Commission's suggested modifications. Pursuant to section 13544 of Title 14 of the California Code of Regulations, the Executive Director has determined that the actions taken by the County are legally adequate to satisfy the terms and requirements of the Commission's certification (Attachment 3).

Attachments

Att. 1: Resolution No. 23-96 Approving the Commission's Suggested Modifications

Att. 2: Ordinance No. 2317 Incorporating the Commission's Suggested Modifications

Att. 3: Notification of Effective Certification Letter (to send after reporting to the Commission)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on June 27, 2023

RESOLUTION NO. 23-96

CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKING FINDINGS OF FACT CONCERNING THE LOCAL COASTAL PROGRAM AMENDMENT, REPEALING ORDINANCE 2679, AND ADOPTING ORDINANCE 2717 MODIFIED COASTAL ACCESSORY DWELLING UNIT REGULATIONS BY AMENDING TITLE III, DIVISION 1, CHAPTERS 2 AND 3 OF HUMBOLDT COUNTY CODE.

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, on July 13, 2021 adopted the Coastal Accessory Dwelling Unit Ordinance No. 2679; and approved the Coastal Plan amendments by Resolution 20-79 (which together make up the "LCP Amendment"); and directed staff to transmit the LCP Amendment to the California Coastal Commission for certification; and

WHEREAS, the Coastal Commission on February 10, 2023 certified amendments to the Local Coastal Plans as transmitted; and

WHEREAS, the Coastal Commission on February 10, 2023 conditionally certified the Coastal Accessory Dwelling Unit Ordinance if modified in accordance with the suggested changes set forth in the Adopted Findings report of that same date, which are incorporated in the revised Ordinance, Attachment 2 to this staff report; 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 text amendments to the Coastal Zoning Ordinance on its website at <https://humboldt.gov/2448/2019-Housing-Element>; and

WHEREAS, on May 19, 2023 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 regarding accessory dwelling units, which also serves as the 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, 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, the Humboldt County Planning Commission held a public hearing on the modified Coastal Accessory Dwelling Unit Ordinance on June 1, 2023 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, the Humboldt County Planning Commission approved a Resolution making all the required findings and recommending that the Board of Supervisors of the County of Humboldt repeal Ordinance 2679 and adopt the Coastal Accessory Dwelling Unit Ordinance as modified by the California Coastal Commission as shown in Attachment 2, amending Section 312 of Chapter 2, and Section 313 of Chapter 3 of Division 1 of Title III of the County Code; and

WHEREAS, on June 27, 2023 the Board of Supervisors held a public hearing on the proposed ordinance, 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 A of this Resolution which is fully incorporated herein by reference.
3. The Board of Supervisors finds the modified 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, that they conform to the policies contained in Chapter 3 of the Coastal Act, and certifies its intent to carry out the Coastal Zoning Regulations in a manner fully consistent with the California Coastal Act.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby:

1. Adopts the Coastal Zoning Code Amendments as shown in Attachment 2.
2. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinance within fifteen (15) days after its passage.

3. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on June 27, 2023 by the following vote:

Adopted on motion by Supervisor Wilson , seconded by Supervisor Arroyo and the following vote:

AYES: Supervisors: Wilson, Arroyo, Madone, Bohn, Bushnell
NAYS: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:



STEVE MADRONE, CHAIRPERSON,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

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



By:

Tracy Damico, Deputy Clerk

**EXHIBIT A
To Attachment 1**

REQUIRED FINDINGS OF APPROVAL

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

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

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).			
1.	FINDING:		The proposed zoning 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.
PUBLIC INTEREST.			
2.	FINDING:		Humboldt County Code Section 312-50.3.2, the Humboldt County General Plan, and state General Plan Law stipulate that amendments to the zoning code must be in the public interest. The proposed amendment is in the public interest.
	EVIDENCE:	a)	The purpose of the Coastal Zoning 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 Coastal Zoning regulations (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 THE GENERAL PLAN.			
3.	FINDING:		Humboldt County Code Section 312-50.3.2 states that amendments to the zoning code must be consistent with the General Plan. The proposed Coastal Accessory Dwelling Unit Ordinance is consistent with the General Plan.
	EVIDENCE:	a)	The Coastal Accessory Dwelling Unit Ordinance implements the 2019 Housing Element. The proposed ordinance incorporates the state-mandated changes to ADU regulations, as directed in implementation measure H-IM41. Policy H-P29 directs the county to stimulate the construction of ADUs by relaxing development standards through code modifications to facilitate low-cost housing and to make more efficient use of existing roads. H-P30, H-P31, H-IM38 and H-IM39 call for allowing and encouraging tiny houses and moveable tiny houses as permanent dwellings, and as ADUs, and set forth standards and definitions. Tiny houses and moveable tiny houses are intended to promote diverse, affordable housing. H-P15 supports lower cost housing by adding building codes for Tiny Homes to the building regulations of the Humboldt County Code.
		b)	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, thus carrying out policies of the General Plan.
CONSISTENCY WITH THE COASTAL ACT.			
4.	FINDING:		<p>If the proposed changes to the Zoning Ordinance include an amendment to the Local Coastal Program, 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> <ul style="list-style-type: none"> a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access) b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes) 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) d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources) e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent

		<p>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>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>
		<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</p>

			<p>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>
		d)	<p>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 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,</p>

			<p>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. 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>
CONSISTENCY WITH STATE PLANNING LAW.			
5.	FINDING:		<p>Humboldt County Code Section 312-50.3.4 requires any proposed amendment must 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, unless specific findings are made. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.</p>
	EVIDENCE:	a)	<p>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.</p>

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; meeting on June 27, 2023

ORDINANCE 2317

**DWELLING UNIT REGULATIONS BY 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 2679 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, and Section 312-8.2 Notice of Application Submittal, of the Humboldt County Code regarding applications for permits and variances, are amended to read as follows (Text changes adopted by the County on July 13, 2021 by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions. The Coastal Commission's modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double~~ **strikeout** and **bold underlined** text.):

6.3 PUBLIC REVIEW

...

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

8.2 CONTENT OF THE NOTICE OF APPLICATION SUBMITTAL

The Notice of Application Submittal shall include:

- 8.2.1 The name of the applicant and the date of filing of the application; and
- 8.2.2 The file number assigned to the application;
- 8.2.3 A description of the proposed development, including the location. If located in the Coastal Zone, the application shall so state;
- 8.2.4 The following statement, in bold letters;

“The purpose of this notice is to inform you that an application for the described project has been submitted to the Community Development Services Department. The Hearing Officer may approve the application without holding a public hearing, unless a public hearing is requested in writing by you or any individual wanting to comment on the project prior to the scheduled approval date. **A public hearing is not required for an Accessory Dwelling Unit but written comments may be submitted.** Anyone may comment on the project.

If you challenge the decision of the Hearing Officer in court, you may be limited to raising only those issues you or someone else stated orally at the project’s Public Hearing. Written correspondence delivered to the Hearing Officer at or prior to the public hearing, also counts as an issue the court may hear.”

The Board of Supervisors will not hear appeals of the Planning Commission’s or Zoning Administrator’s decision if said appellant has not given written or oral testimony at the Planning Commission or the Zoning Administrator’s hearing level.

8.2.5 A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal.

SECTION 3. PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER.

Section 312-9 of the Humboldt County Code, regarding public hearings is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions. The Coastal Commission’s modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double strikeout~~ and **bold underlined** text):

9.2 PUBLIC HEARING MAY BE WAIVED

Table 9.2.4

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER***				
Application Type	May Be Waived¹	Director²	Zoning Administrator²	Planning Commission
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission			O	O

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER***					
Application Type	May Be Waived¹	Director²	Zoning Administrator²	Planning Commission	
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 Accessory Dwelling Units (ADU's) if they do not involve a Special Permit, Conditional Use Permit or Variance, and are not otherwise appealable to the California Coastal Commission.	NR				
Coastal Development Permits that do not involve ADUs and are not appealable to the California Coastal Commission	W	O			
Planned Unit Development Permits			O		O

*****Consistent with Government Code Section 65852.2 there is no requirement to hold a public hearing for Accessory Dwelling Units that require Coastal Development Permit (CDP).**

“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.

9.2.5 The Hearing Officer may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission only if both of the following occur:

9.2.5.1 Notice is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice that a public hearing will not be held unless requested by any interested person within 15 days.

9.2.5.2 No request for a public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to Section 9.2.5.1.

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

SECTION 4. ACCESSORY DWELLING UNIT ORDINANCE

Subdivision 313-87.1 regarding Secondary Residential Units in Title III, Division 1, Chapter 3 of the Humboldt County Code is hereby repealed and replaced by 313-69.05 as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions. The Coastal Commission's modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double-strikeout~~ and **bold underlined** text):

~~313-87.1 SECOND RESIDENTIAL UNIT~~ Repealed

313-69.05 ACCESSORY DWELLING UNIT

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 includes provisions for the regulation of Junior Accessory Dwelling Units (JADUs) as defined in Section 313-145 and provision to allow 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 that is no more than 500 square feet contained entirely within another structure; that may include separate sanitation facilities, or may share sanitation facilities with the existing structure; and that meets other criteria in Govt. Code section 65852.22. JADUs are permitted as ADUs, except that special rules apply to JADUs as set forth in section 69.05.3.8 of this code, which allows a combination JADU and a detached ADU on the same lot.~~

69.05.2 Accessory Dwelling Units Generally Permitted.

In general, ADUs and JADUs are permitted without 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 and/or JADU 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.

69.05.2.1 Coastal Development Permit Requirements for ADUs and JADUs.

Coastal Development Permits (CDPs) may be required for ADUs and JADUs as follows: if the ADU/JADU meets the definition of "development" under the California Public Resources Code (Section 30106) and is not excluded from CDP requirements under the California Public Resources Code (Section 30000, ns following) or the California Code of Regulations.

(a) In some cases, an ADU or JADU may require a Special Permit if located within the areas identified in Section 69.05.6, or when the ADU or JADU does not meet the criteria of subsection 69.05.4.6.

(a) ~~(b)~~ ADUs Exempt or Excluded from CDP Requirements:

Accessory Dwelling Units and Junior Accessory Dwelling Units (JADUs) as defined in Govt. Code Sections ~~65852.22~~ 313-136 and 145, that convert habitable space in a primary residence do not require conform to requirements of that section are exempt from the requirement for a CDP unless the conversion involves alteration to the size of the residence, removal or replacement of major structural components, or the placement or erection of any solid material or structure on land, or unless specified otherwise in a previously issued CDP requires a CDP or CDP amendment for any for existing development on the lot.

~~(b) 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) (c) ADUs and JADUs Allowed Without a Public Hearing.~~

~~An ADU's or JADU that requires are allowed with a CDP that does not involve require 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 and JADUs may be prohibited or may require a Special Permit in addition to a Coastal Development 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 69.05.4.6 may still be permitted with a Special Permit subject to meeting requirements in 69.05.6 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. **If a permit application to create an ADU or JADU requires a Special Permit or a discretionary Coastal Development Permit pursuant to Section 69.05.6.1, action on the Special Permit and associated CDP may exceed the 60-day time period.**

69.05.3 General Provisions.

The following provisions apply to ADUs and JADUs.

69.05.3.1 One or more ADUs per lot.

In general, one ADU is permitted per lot developed or proposed to be developed with a single-family dwelling, and two ADUs are permitted with a multifamily dwelling. 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, mixed use, and multi-family zones as described in Section 69.05.3.8.

69.05.3.2 Ownership and Occupancy.

69.05.3.2.1 Ownership

An ADU or JADU shall not be sold separately from the principal dwelling, except that Moveable Tiny Houses maybe be sold when removed from the lot; **or where the ADU or the primary dwelling was built or developed by a qualified nonprofit corporation, and the other conditions of government Code Section 65852.26 are met.**

69.05.3.2.2 JADU Owner Occupancy.

The owner of the single-family residence containing a JADU must reside in either the single-family residence or the JADU unless the owner is a governmental agency land trust, or housing organization.

69.05.3.3 Renting Permitted.

The ADU may, but need not be, rented.

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. **Prior to obtaining a building permit for an ADU or JADU, a deed restriction approved by the County shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling for transient habitation.**

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. **A JADU may be constructed within the walls of a proposed or existing single-family residence.**

including within an attached garage or other enclosed use within the residence.

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 permanent** 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.

69.05.3.7 Existing Single-Family Residence.

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

69.05.3.8 ADU and JADU Configurations within Residential and Mixed Use Zones.

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~~ **Section 313-145.**

69.05.3.8.1 ADU or JADU within Existing Single-Family Structure.

One accessory dwelling unit **or 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 **existing or proposed** space of a single-family dwelling, **or the accessory unit is** 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~~ 313-145 and the other applicable Sections of this chapter, 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. In addition to the detached accessory dwelling unit, one JADU is allowed on the lot, if the JADU is within a single-family ~~residence 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 9 Detached ADUs with Existing Multifamily Structures.

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

69.05.4 Development Regulations, Standards, and Applicable Codes.

The following development regulations and standards shall apply to all ADUs **and as applicable to JADUs:**

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 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 the proposed or existing primary residence. 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 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. **All new detached accessory dwelling on agricultural land and timberlands shall be clustered with other existing structures to the maximum extent feasible.**

69.05.4.3 Total Floor Area.

The total floor area of 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.~~

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.

69.05.4.5 Setbacks.

No setback shall be required for an ADU or a portion of an ADU, converted from an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure. A setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

69.05.4.6 Parking.

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

69.05.4.6.1 Exceptions to Parking Standards.

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

69.05.4.7 No Frontage Improvements.

No frontage improvements shall be required for ADUs.

69.05.4.8 Services.

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

69.05.4.9 Public Access.

Accessory 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.

69.05.4 10 Visual Resources.

Accessory 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.

69.05.4.11 Environmentally Sensitive Habitat Areas and Wetlands.

All development associated with accessory dwelling units shall conform to the Natural Resources Protection Policies and Standards of the applicable Coastal Plan.

69.05.4.12 Agricultural Lands.

All development associated with accessory dwelling units shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to the use of land for agriculturally related activities. **All new detached accessory dwelling units shall be clustered with other existing structures to the maximum extent feasible.**

69.05.4.13 Timberlands.

All development associated with accessory dwelling units shall be sited so as to minimize impacts to timber related activities. **All new detached accessory dwelling units shall be clustered with other existing structures to the maximum extent feasible.**

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

Accessory dwelling units may be approved on lots with nonconforming uses, structures, or support facilities provided that no greater degree of nonconformity is created **and the ADU complies with all ESHA protection policies.**

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 of 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.

69.05.6.1 Locations with Potential Safety or Coastal Resource Impacts.

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, ~~and/or~~ potentially raise coastal resource issues that may preclude construction of an ADU or JADU or which may require certain mitigation measures. An ADU or JADU

may be prohibited or may require a Special Permit (or associated discretionary Coastal Development Permit) if **any of** 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, **including areas subject to future sea level rise (SLR) with a 75-year design life horizon as determined by the Planning Director based on the best available science consistent with the California Coastal Commission's adopted 2018 SLR Policy Guidance (and any subsequent updates);**
- (e) Proximity within 1,000 feet of a toxic cleanup site as designated by California Department of Toxic Substances;
- (f) **Areas outside of water and sewer service area where there is a necessity to expand service or construct water wells or septic systems to serve the ADU or JADU;**
- (g) **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.**

69.05.6.2 Required Findings for Permits.

(a) On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions ~~above in Section 69.05.6.1~~, an ADU **or JADU** may be allowed with a Special Permit/**CDP only** if (1) 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~~ **adequately** mitigated, and (2) the ADU **or JADU can be developed** ~~is~~ consistent with all other applicable provisions of the Local Coastal Plan.

(b) **When an ADU of JADU does not meet the criteria of Section 69.05.4.6, an ADU or JADU may be allowed with a Special Permit only if (1) the ADU or JADU is consistent with all other applicable provisions of this chapter, and (2) the ADU or JADU can be developed consistent with all other applicable provisions of the Local Coastal Plan.**

69.05.6.3 Hazardous Disclosure Requirements.

Where an ADU or JADU would be located in an area listed in Section 69.05.6.1(c) or in an area of future sea level rise (with a 75-year horizon) as determined by the Planning Director pursuant to Section 69.05.6.1(d), the record owner of the ADU or JADU shall be required to acknowledge and agree, and property owners, except public agencies, must also record a deed restriction against the property on which the

ADU is located to acknowledge and agree: (1) that the ADU or JADU is located in a hazardous area, or an area that may become hazardous in the future; (2) to assume the risks of injury and damage from such hazards in connection with the permitted development; (3) that they have no rights under Coastal Act Section 30235 and related LCP policies to shoreline armoring in the future; (4) that sea level rise and related coastal hazards could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (5) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to other applicable provisions of the Local Coastal Plan. The record owner of the ADU or JADU shall also provide notice to all occupants of the ADU or JADU of these specified acknowledgements.

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 Pparcels within Coastal Natural Resources areas as mapped on the County's GIS;

69.05.87 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.

SECTION 5. DEFINITIONS.

The following subdivisions of 313, Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 3 of the Humboldt County Code are added or amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions. The Coastal Commission's modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double strikeout~~ and **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: A group of building types that comprise the following:

- a. **Single Detached:** One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or building, located on a lot or building site which is unoccupied by any other dwelling unit or main building.
- b. **Duplex:** Two (2) dwelling units with at least ten (10) feet of a common wall, structurally separated from any other dwelling unit or building and located on a lot or building site which contains no other dwelling unit or main building.
- c. **Multiple Unit:** A building containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a lot or building site which contains no other dwelling unit or main building.
- d. **Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width, or forty (40) feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building Type shall be classified as a Single Detached Residential Building Type. The manufactured home building type includes mobile homes.
- 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.

...

313-145 DEFINITIONS (J)

Junior Accessory Dwelling Unit. An attached unit that is no more than 500 square feet contained entirely within a single-family residence that may include separate sanitation facilities or may share sanitation facilities with the existing structure and that includes an efficiency kitchen.

...

313-148 DEFINITIONS (M)

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

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

...

313-154 DEFINITIONS (S)

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

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

313-155 DEFINITIONS (T)

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

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

SECTION 6. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

...

107.1.4 Exceptions for Existing Substandard Manufactured Home Parks.

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

SECTION 7. OFF-STREET PARKING

Section 313-109.1.4 of the Humboldt County Code, regarding parking spaces required, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

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 on 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 (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions. The Coastal Commission's modifications as adopted after a public hearing on February 10, 2023 are shown in ~~bold double-strikeout~~ and **bold 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. These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission (with the exception of (a) Single Family Residential, Accessory Dwelling Unit, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below, and (b) Single Family Residential, Accessory Dwelling Unit, or Cottage Industry uses in the Timber Production zoning district as enumerated in Section 163.1.9.11 below). Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone.

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, Accessory Dwelling Unit, and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

SECTION 9. RESIDENTIAL USE TYPES

Subdivision 313-177 of Chapter 3, Section D, Part 2 of the Humboldt County Code, Glossary of Use Types, is amended to read as follows (Text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

313-177 RESIDENTIAL USE TYPES

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

...

~~177.13 Second Residential Unit (Second/Secondary Dwelling Unit). The 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. (See Section 313-87.1, Second Residential Unit for regulations governing second residential units.)~~ 177.13 Second Residential Unit (Second/Secondary Dwelling Unit).

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 (text changes adopted by the County on July 13, 2021 by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

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 (text changes adopted by the County on July 13, 2021, by Ordinance 2679, are shown in ~~strike-out~~ for deletions and as underlined text for additions):

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>Either oneOne 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, or one accessory dwelling unit and one junior accessory dwelling unit as described in 69.05.3.8. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</p> <p>Note1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a legally binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.</p>
Minimum Yard Setbacks***	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; <u>Ancillary Residential</u> ; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group

313-6.2 RM: RESIDENTIAL MULTI-FAMILY

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

313-6.3 R2: MIXED RESIDENTIAL

313-6.3 R2: MIXED RESIDENTIAL	
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Manufactured Homes in Manufactured Home Parks; Ancillary Residential. Only one dwelling per lot or manufactured home per lot except for an accessory dwelling unit (see, Accessory Dwelling Unit 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 One dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. <u>plus one accessory dwelling unit. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u>
Minimum Yard Setbacks***	Minimum Lot Size Less Than 2.5 Acres	Minimum Lot Size 2.5 Acres or Greater
Front	Twenty feet (20')	Twenty feet (20'); Thirty feet (30') for flag lots
Rear	Ten feet (10')	Thirty feet (30')
Interior Side	Five feet (5')	Thirty feet (30')
Exterior Side	Twenty feet (20')	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Maximum Ground Coverage		Thirty-five percent (35%)
Maximum Structure Height		Thirty-five feet (35').
Permitted Main Building Types		Residential Single Detached; <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 (text changes adopted by the County on July 13, 2021 by Ordinance 2679, are shown in ~~strike out~~ for deletions and as underlined text for additions):

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 other than an Accessory Dwelling Unit)
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Aquaculture, allowed within non-prime agricultural lands only Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Hog Farming Feed Lots/Slaughter House Kennels Agriculture-Related Recreation Intensive Agriculture
Extractive Use Types	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Surface Mining - 2; subject to the Surface Mining Regulations Surface Mining - 3; subject to the Surface Mining Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Resource-Related Recreation Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

313-7.2 TC: Commercial Timber

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

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

313-7.3 TPZ: Timberland Production Zone

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

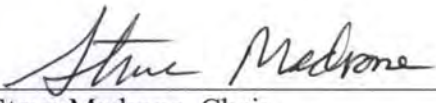
This ordinance shall take effect 30 days after certification by the California Coastal Commission which is concurrent with adoption of modifications by the Board of Supervisors.

PASSED AND ADOPTED this 27th day of June 2023, on the following vote, to wit:

AYES: Supervisors: Arroyo, Bushnell, Wilson, Bohn, Madrone

NOES: Supervisors:

ABSENT: Supervisors:



Steve Madrone, 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: Tracy Damico, Deputy Clerk

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



July 14, 2023

Humboldt County Planning and Building Dept.
Attn: John Ford, Director
3015 H Street
Eureka, CA 95501

RE: Effective Certification of County of Humboldt's Local Coastal Program (LCP)
Amendment No. LCP-1-HUM-21-0067-3 (Accessory Dwelling Units)

Dear Director Ford:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 23-96 and Ordinance No. 2317 for effective certification of the County's LCP Amendment No. LCP-1-HUM-21-0067-3, approved with suggested modifications by the Coastal Commission at its February 10, 2023 meeting. By its actions on June 27, 2023, the County formally acknowledged and accepted the Commission's certification of the LCP amendment including the suggested modifications. The County's acknowledgement agrees to issue coastal development permits in conformance with the certified LCP.

The Executive Director has found that the County's resolutions and ordinances fulfill the requirements of Section 13544(a) of Title 14 of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate. This determination was reported to the Coastal Commission at its meeting of July 13, 2023.

Commission approval and the amendment process are now complete. Commission staff remains available to assist you and your staff as you continue to develop and implement the County's LCP. If you have any questions, please feel free to contact me.

Sincerely,

Melissa B. Kraemer
North Coast District Manager