

ATTACHMENT 2

**Draft Board of Supervisors Ordinance
Accessory Dwelling Units - Coastal**

ORDINANCE NO. _____

DRAFT

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 3 OF HUMBOLDT COUNTY CODE/COASTAL IMPLEMENTATION PLAN, AND COASTAL LAND USE PLANS RELATING TO REGULATION OF ACCESSORY DWELLING UNITS.

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 3 of the Zoning Regulations; and parts of the six Coastal Land Use Plans which together constitute the Local Coastal Program of the Humboldt County Code, is hereby amended to be consistent with California Government Code Section 68582.2, and to implement measure H-IM41 of the 2019 Humboldt County Housing Element and other related policies and measures. The ordinance repeals the previous, and adds a revised section 313-87.1; amends section 313-107; section 313-109; section 313-110; section 313-136; section 313-137; section 313-148; section 313-154; section 313-155; section 313-163; section 313-177 of Chapter 3, Coastal Zoning Code; amends associated zoning regulation tables in sections 313-6 and 313-7; and amends parts of the Humboldt Bay Area Plan, North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Eel River Plan, and South Coast Area Plan relating to Accessory Dwelling Units.

SECTION 2. DEFINITIONS

The following subdivisions of section 313 Section C, Index of Definitions of Language, in Title III, Division 1, Chapter 3 of the Humboldt County Code are added or amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-136 DEFINITIONS (A)

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

313-137 DEFINITIONS (B)

Building Type, Residential:

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

313-148 DEFINITIONS (M)

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

1. Is licensed and registered with the California Department of Motor Vehicles and meets NFPA 1192 standards or ANSI 119.5 requirements as certified 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.

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 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 3. ACCESSORY DWELLING UNITS 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 as follows:

313-87.1 SECOND RESIDENTIAL ACCESSORY DWELLING UNIT

87.1.1 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 use](#). In addition, this ordinance allows a Tiny House or Moveable Tiny House as defined in sections 314-155 and 314-148 as an ADU when developed consistent with this section. An ADU does not exceed the allowable density for the lot on which it is located.

For purposes of this section, a junior accessory dwelling unit (JADU) is an attached unit as defined in Govt. Code section 65852.22. JADUs are principally permitted in all areas where ADUs are principally permitted, and special rules apply as set forth in section 87.1.3.9.

87.1.2 Accessory Dwelling Units Generally Permitted.

[Accessory dwelling units may be principally permitted in any zone that allows single family or multifamily dwelling residential use and includes a proposed or existing dwelling](#), if the general Provisions in 87.1.3 are met, and the ADU meets the Development Regulations and Standards of section 87.1.4. The Coastal Act still applies, and a Coastal Development Permit (CDP) is required for development that is not exempt and is not subject to waiver, except that public hearings are not required for CDP applications for accessory dwelling units.

87.1.2.1 No Coastal Development Permit Required

No Coastal Development Permit (CDP) is required if:

- (a) The unit is a junior accessory dwelling unit (JADU) as defined in Govt. Code section 65852.22, and conforms with requirements of that section do not require a CDP unless specified in a previously issued CDP for existing development on the lot;
- (b) The ADU is exempt because it is contained within or directly attached to a single family structure, the there is no risk of adverse environmental effects as specified in Coastal Commission regulations, and the conditions in 87.1.7 do not apply;
- (c) The ADU is subject to a de minimus waiver as described in section 312-16.1 of this code, or it is consistent with the certified LCP, and involves no potential for any adverse effect; either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization; or
- (d) The project does not qualify as development under Public Resources Code, sections 30600 subdivision (a), or 30106.

87.1.2.2 Coastal Development Permit Criteria

A Coastal Development Permit must be consistent with the certified Local Coastal Program including the coastal resource protection policies enumerated in subsection 87.1.7 of this code.

87.1.2.3 Exceptions to Principally Permitted Status

ADUs may be excluded or restricted in areas where adequate water and sewer service are unavailable, or where adverse impacts to traffic or public safety exist, as described in section 87.1.6 (ADU Special Permit Area). Outside the ADU Special Permit Area, an ADU that cannot meet all the criteria in subsection 87.1.4 may still be permitted with a Special Permit under certain circumstances.

87.1.2.4 Expedited Application Review

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

No certificate of occupancy will be issued for an accessory dwelling unit constructed concurrently with a primary dwelling, before a certificate of occupancy is issued for the primary dwelling.

87.1.3 Provisions that Apply to All ADUs.

The following provisions apply to all ADUs.

87.1.3.1 One or more ADUs per lot.

One ADU is permitted per lot developed or proposed to be developed with a single-family or multifamily dwelling, except for AE lots sixty (60) acres or larger in size, where an ADU unrestricted in size may be allowed in addition to a main residence. Configurations with more than one ADU or JADU are allowed in residential and mixed use zones as described in section 87.1.3.9.

87.1.3.2 Ownership.

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

87.1.3.3 Renting Permitted.

The ADU may, but need not be, rented.

87.1.3.4 Short-term Lodging Prohibited.

The ADU shall not be rented for periods of 30 days or less.

87.1.3.6 Building Type.

The ADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a Tiny House as defined in Section 314-155; a Moveable Tiny House as defined in Section 314-148; or a manufactured home as defined in Section 18007 of the Health and Safety Code.

87.1.3.6.1 Manufactured Homes as Accessory Dwelling Units.

87.1.3.6.1.2 A manufactured home that was sold new, was constructed not more than 10 years before the permit application date, and was certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, is permitted as an ADU with a building permit on parcels where single-family residences are allowed. It may or may not be placed on a permanent foundation, but must meet building and zoning regulations, skirting

requirements, and foundation or setup configurations as described in Section 81.1.1.3 of this Code. The following architectural requirements shall apply on residentially zoned parcels: roof overhang of not less than 6 inches for the entire exterior perimeter; roof of composition shingles, wood shingles or shakes or other materials compatible with the majority of dwellings in the neighborhood; and exterior wall covering of natural or man-made materials of a non-reflective nature. ALTERNATIVE: remove architectural requirements

87.1.3.6.1.3 A manufactured home that is not a new manufactured home is permitted as an ADU in a T – Manufactured Home Combining Zone if it meets the requirements of Section 35.1 of this Code, and may be permitted outside a T - Manufactured Home Combining Zone if it meets all the requirements of Section 81.1.1.3 of this Code.

87.1.3.6.2 Tiny Houses and Moveable Tiny Houses as ADUs.

A Tiny House as defined in Section 314-155 that meets all applicable building and development standards in this code is deemed a single-family dwelling, and is allowed as an ADU. A Moveable Tiny House as defined in Section 314-148 that meets all applicable building and development standards in this Code, and meets the criteria in 87.1.5, is deemed a single-family dwelling and is allowed as an ADU.

87.1.3.7 Sewer and Water Service.

All new ADUs within Urban Service Areas shall connect to public wastewater systems. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply. “Urban Service Area” means an area within a community service district’s service area.

87.1.3.8 Existing Single-Family Residence

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

87.1.3.9 ADU and JADU Configurations Within Residential and Mixed Use Zones

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

87.1.3.9.1 ADU or JADU Within Existing Single Family Structure

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

- (a) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (b) The space has separate exterior access from the proposed or existing single-

family dwelling.

- (c) 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.

87.1.3.9.2 New Detached ADU

One detached, new construction, accessory dwelling unit with minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with an accessory dwelling unit or a junior accessory dwelling unit within an existing single family structure or accessory structure as described in subsection 87.1.3.9.1 if:

- (a) The attached ADU or JADU contains no more than 500 square feet of floor space;
- (b) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet.

87.1.3.9.3 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.

87.1.3.9.4 Detached ADUs with Existing Multifamily Structures

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

87.1.4 Development Regulations, Standards, and Applicable Codes.

The following development regulations and standards shall apply to all ADUs:

87.1.4.1 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:

87.1.4.1.1 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 87.1.4.1.4, unless the accessory dwelling unit was constructed with a new single-family dwelling.

87.1.4.1.2 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.

87.1.4.1.3 No New Connections in Existing Structures

No new or separate utility connection ~~is~~ shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single family residence or accessory structure and meets conditions in section 87.1.3.9.1, unless the accessory dwelling unit was constructed with a new single family dwelling.

87.1.4.1.4 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 87.1.3.9.1, 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.

87.1.4.1.5 Districts Under Moratoria or Compliance Orders

A water district, resort improvement district, or community service district that is under a Department of Drinking Water moratorium on new connections, or under a compliance order for treatment issues, may not be compelled to provide water or sewer service for an Accessory Dwelling Unit in accordance with this ordinance.

87.1.4.2 Building Site.

The building site shall be shared in common with the proposed or existing primary residence. ADUs must meet local building code requirements that apply to detached dwellings, as appropriate. In areas zoned TPZ or AE, the curtilage area for residences, ADUs, and associated residential accessory structures shall not exceed two acres per parcel and, where feasible, shall be located in the area of lowest agricultural productivity.

87.1.4.3 Total Floor Area.

The total floor area of a detached ADU shall not exceed 1200 square feet. If there is an existing primary residence, the total area of floor space of an attached accessory dwelling unit shall not exceed fifty (50) percent of the area of the existing primary residence. ~~or~~

~~1,200 square feet. The minimum floor area shall be 150 square feet. specified in Section 17958.1 of the Health and Safety Code, as amended from time to time.~~

87.1.4.3.1 ADUs that exceed 1200 square feet may be permitted with a Special Permit.

87.1.4.4 Sprinklers

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

87.1.4.5 Setbacks Conformance with Zone Standards

~~ADU's shall conform to the development standards of the zoning district in which they are located, including, but not limited to, standards for setbacks, height, and lot coverage, except that n~~ 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. , that is converted to an ADU or to a portion of an ADU, and a Δ setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

87.1.4.6 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.

87.1.4.6.1 Exceptions to Parking Standards.

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

87.1.5 Moveable Tiny House as an ADU.

In addition to the other provisions of this section, Movable Tiny Houses as defined in Section 314-148 used as ADUs shall comply with all of the following provisions:

87.1.5.1 Skirting.

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

87.1.5.2 Foundation or Pad

87.1.5.2.1 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.

87.1.5.2.2 Paved or Alternate Pad.

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

87.1.5.2.2.1 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.

87.1.5.2.2.2 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.

87.1.5.3 Mechanical equipment

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

87.1.5.4 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.

87.1.5.5 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.

87.1.5.6 Design standards.

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

- (a) Materials used as exterior wall covering shall be natural or man-made materials of a non-reflective nature;
- (b) Windows shall be at least double pane glass and labelled for building use, and shall include exterior trim;
- (c) Roofs shall have a minimum of a 1:12 pitch for greater than 50% of the roof area;

- (d) The unit shall be plumbed to allow connection to an approved means of sewage disposal, septic system, or waterless toilet. Within Urban Service Areas (community service districts), all Moveable Tiny Houses shall be connected to public wastewater systems.
- (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 ~~National Electrical Code for single family dwellings.~~

87.1.6 ADU Special Permit Area.

Lots located in the ADU Special Permit Area, as mapped, are presumed to have certain water and sewer service limitations, adverse impacts on traffic flow, and/or public safety conditions that may preclude construction of an ADU, so that an ADU in that area requires a Special Permit. These conditions are:

- (a) Inadequate emergency access in high fire hazard areas, outside a Fire Protection District;
- (b) Airport incompatibility;
- (c) Areas of active or historic landslides, or areas of potential liquefaction;
- (d) Areas of inadequate water supply for existing planned uses as designated in the certified Local Coastal Plan (LCP);
- (e) Flood and tsunami hazards;
- (f) Proximity to toxic cleanup sites as designated by California Department of Toxic Substances; and
- (g) Sites designated a historical resource or a tribal cultural resource pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

On a parcel within a mapped ADU Special Permit Area due to one or more of the conditions above, an ADU may be allowed with a Special Permit if substantial evidence shows that the health and safety conditions for which it was included do not apply to that site, or can be successfully reduced or mitigated to less than significant levels.

87.1.7 Coastal Resource Protection

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

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

(c) Parcels within Coastal Natural Resources areas as mapped on the County's GIS.

87.1.8 Delayed Enforcement of Building Code Violations

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

87.1.9 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 4. USE TYPE AND CLASSIFICATION

Subdivision 313-163 of Chapter 3, Section D, Part 1 of the Humboldt County Code, regarding Use Type and Classification, is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

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

163.1.8 Residential Use Types.

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

- Caretaker's Residence
- Community Care Facility
- Family Day Care Center
- Family Day Care Home
- Farm Employee Housing
- Group Residential
- Guest House
- Labor Camp
- Manufactured Home Park Development
- Multi Family Residential
- Residence Incidental to Agriculture or Commercial
- Timber Production (See, Agriculture or Commercial Zoning)

Designations, Principal Permitted Uses.)
Second Agriculture or Commercial Timber Production Residence
~~Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)~~
(See, Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)
Single Family Residential

163.1.9 Principal Permitted Uses

163.1.9.5 Residential Single Family

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

163.1.9.6 Residential Multi Family

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

163.1.9.7 Mixed Residential

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

163.1.9.8 Rural Residential Agricultural

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

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential (on lots sixty (60) acres or larger in size, two single detached dwellings, or one single detached and one accessory dwelling are permitted), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

163.1.9.10 Commercial Timber

The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, General Agriculture, Timber

Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

163.1.9.11 Timber Production

The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Accessory Dwelling Unit, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses. Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

SECTION 5. RESIDENTIAL USE TYPES

Subdivision 313-177 of Chapter 3, Section D, Part 2 of the Humboldt County Code, Glossary of Use Types, is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-177 RESIDENTIAL USE TYPES

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

The Accessory Dwelling ~~Residential~~ Unit Use Type refers to a fully equipped dwelling unit which is ancillary ~~and subordinate~~ to a principal dwelling unit located on the same lot for occupancy by individuals or a family household. (See Section 313-87.1, ~~Second Residential Unit Accessory Dwelling Unit~~ for regulations governing ~~second residential accessory dwelling~~ units.)

SECTION 6. OFF-STREET PARKING

Section 313-109.1.4 of the Humboldt County Code, regarding parking spaces required, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

313-109.1 OFF-STREET PARKING

109.1.4 Parking Spaces Required.

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

109.1.4.1 Residential Uses.

109.1.4.1.1 Single Detached and Duplex Building Types

109.1.4.1.1.1 Spaces Required, Setback

One (1) parking space is required for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom, and the required parking shall be sited

outside the front yard setback. The following exceptions apply to Accessory Dwelling Units:

109.1.4.1.1.1 Accessory Dwelling Unit Exception

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

109.1.4.1.1.2 Parking Standards Waived for Certain ADUs

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

SECTION 7. MANUFACTURED HOME PARK DEVELOPMENT

Subdivision 313-107 of Chapter 3, Section B of the Humboldt County Code, Manufactured Home Park Development, is amended to read as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-107.1 MANUFACTURED HOME PARK DEVELOPMENT

107.1.4 Exceptions for Existing Substandard Manufactured Home Parks.

The Hearing Officer may modify the requirements of Section 107.1.3 for an existing substandard park proposed to be enlarged or altered provided that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result, and subject to making the applicable findings for granting exceptions in Chapter 2, Procedures, of this Code. (For more information on manufactured homes, see Section 313-132, Nonconforming Structures, and Section 313-87.1, ~~Second Residential Units~~, Accessory Dwelling Units.)

SECTION 8. PARKLAND DEDICATION

Section 313-110.1 of Chapter 3, Section B of the Humboldt County Code, Parkland Dedication, is amended to read as follows (text deletions shown in ~~strike-out~~ and additions as underlined text):

110.1.7 Deferred Payment of Fees for Secondary Dwelling Units.

110.1.7.1 The Hearing Officer may approve a request by the subdivider to defer payment of a portion of the fee paid in-lieu of land dedication for ~~secondary~~ accessory dwelling

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Certified copy of portion of proceedings;

Meeting on _____, 2020

units on each parcel created by the subdivision map. Any such deferral shall be subject to the recordation of an agreement between the subdivider and the County to convey development rights for the ~~secondary~~ accessory dwelling unit.

SECTION 9. RESIDENTIAL ZONE DISTRICTS

Tables in Section 313-6 regarding Residential Zone Districts in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-6 RESIDENTIAL ZONE DISTRICTS

313-6.1 RS: RESIDENTIAL SINGLE FAMILY

313-6.1 RS: Residential Single Family		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RS-5	5,000 sq. ft.	50 feet
RS-7.5	7,500 sq. ft.	60 feet
RS-10	10,000 sq. ft.	60 feet
RS-20	20,000 sq. ft.	75 feet
RS-40	40,000 sq. ft.	150 feet
Maximum Lot Depth	Three (3) times the lot width.	
Maximum Density	<p>One dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. <u>plus accessory dwelling unit(s). Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located.</u> In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.</p> <p>Note1: Notwithstanding the otherwise applicable density provisions of the Coastal Zoning Regulations the 4.8-acre area zoned RS on APN 517-121-010 may accommodate the relocation of existing residential development on the adjacent 28-acre lot (APN 517-131-009) away from geologically hazardous areas, if all of the following conditions are met: (1) the relocation of existing structures from APN 517-131-009 to APN 517-121-010 will result in no increase in development potential of the combined property comprising APNs 517-131-009, 517-121-010, and 517-131-011, (2) the commonly owned property comprising these three APNs are either (a) legally merged, or (b) treated as one parcel under a legally binding agreement required to be executed and recorded pursuant to a valid coastal development permit authorizing the relocation of the existing residential development, (3) the property comprising APN 517-121-010 is capable of being developed with relocated existing residential development consistent with all applicable policies and standards of the certified LCP, and (4) the relocation of the existing residential development shall be sited and designed such that it assures stability and structural integrity and at no time engenders the need for the construction of a shoreline protection device that would substantially alter natural landforms along bluffs and cliffs.</p>	
Minimum Yard Setbacks***		
Front	Twenty feet (20').	
Rear	Ten feet (10').	
Interior Side	Five feet (5').	

Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group

313-6.2 RM: RESIDENTIAL MULTI-FAMILY

313-6.2 RM: Residential Multi-Family	
	Principal Permitted Use
	Residential Multi Family Principal Permitted Use (See Section 313-163.1.9 for description)
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential and Accessory Dwelling Unit where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services Community Assembly Non-Assembly Cultural Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Transient Habitation Private Recreation Neighborhood Commercial Office and Professional Service Private Institution

Commercial Timber Use Type	Timber Production
Natural Resource Use Type	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.

313-6.3 R2: MIXED RESIDENTIAL

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

Permitted Main Building Types	Residential Single Detached; Manufactured Homes in Manufactured Home Parks; <u>Ancillary Residential</u> . Only one dwelling per lot or manufactured home lot except for an <u>accessory dwelling unit</u> (see, <u>Accessory Dwelling Unit</u> in Section 313-87.1). Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.
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313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE

313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA -1	1.0 acres	150 feet
RA -2	2.0 acres	175 feet
RA -2.5	2.5 acres	175 feet
RA -5	5.0 acres	250 feet
RA -10	10.0 acres	350 feet
RA -20	20.0 acres	475 feet
RA -40	40.0 acres	750 feet
Maximum Lot Depth	Four (4) times the lot width.	
Maximum Density	One dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a 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	Residential Single Detached; <u>Ancillary Residential</u>	

Types	Limited Mixed Residential - Nonresidential
	Nonresidential Detached or Multiple/Group

SECTION 10. 313-7 RESOURCE USE REGULATIONS

Tables in Section 313-7 regarding Resource Use Regulations in Title III, Division 1, Chapter 3, Section A of the Humboldt County Code are amended as follows (text deletions shown as ~~strikeouts~~, insertions as underlined):

313-7 Resource Use Regulations

313-7.1 AE: Agriculture Exclusive

313-7.1 AE: Agriculture Exclusive	
Principal Permitted Use	
Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	Guest House Farm Employee Housing Labor Camp Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size) <u>Single Family Residential and Accessory Dwelling Unit (on a lot less than sixty acres (60a))</u>
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Aquaculture, allowed within non-prime agricultural lands only Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Hog Farming Feed Lots/Slaughter House Kennels Agriculture-Related Recreation Intensive Agriculture
Extractive Use Types	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Surface Mining - 2; subject to the Surface Mining Regulations Surface Mining - 3; subject to the Surface Mining Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Resource-Related Recreation Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

313-7.2 TC: Commercial Timber

313-7.2 TC: Commercial Timber	
Principal Permitted Use	
Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential. A Use Permit is required for a second single family residence <u>other than an Accessory Dwelling Unit.</u>
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agricultural Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Type	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
Use Type	Compatible Uses Permitted with a Special Permit
Residential Use Types	Labor Camp
Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration

313-7.3 TPZ: Timberland Production Zone

313-7.3 TPZ: Timberland Production Zone	
Principal Permitted Use	
Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)	
Use Type	Conditionally Permitted Use
Residential Use Types	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 11. HUMBOLDT BAY AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.16 HOUSING

B. Development Policies

1. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element. Development of housing in the coastal zone shall be consistent with the LCP, with any applicable policies from Chapter 3 of the Coastal Act, and with Government Code 65852.2 as amended from time to time.

3.23 TIMBERLANDS

B. Development Policies

1. Identification of Timberlands

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

- (6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner

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

3.24 AGRICULTURE

B. Development Policies

2. Compatible Uses

a. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents or children of the owner operator shall be considered a direct part of agricultural production.~~ or accessory dwelling unit, shall be allowed by right.

SECTION 12. HUMBOLDT BAY AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS.

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

4.10 A. URBAN LAND USE DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

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

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

4.10 B. RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

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

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

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

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

SECTION 13. NORTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.24 HOUSING

A. HOUSING OPPORTUNITIES

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element, and shall be consistent with the LCP, with any applicable policies from Chapter 3 of the Coastal Act, and with Government Code 65852.2 as amended from time to time.

3.33 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands, ~~and a~~ A conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house for parents or children of the owner operator shall be considered a direct part of agricultural production, or accessory dwelling unit and/or a junior accessory dwelling unit may be allowed by right subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

3.34 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The A second dwelling that is not an accessory dwelling unit~~ shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

SECTION 14. NORTH COAST AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

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

5.20 URBAN PLAN DESIGNATIONS

RE: RESIDENTIAL ESTATES

PRINCIPLE USE: Detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

CR: COMMERCIAL RECREATIONAL

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

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

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

RR: RURAL RESIDENTIAL

PRINCIPAL USE: residential and accessory dwelling unit. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

PRINCIPAL USE: Production of food, fiber or plants, as provided in Section 3.54 with residence as a use incidental to this activity, including two (2) separate residences or one single detached and one accessory dwelling unit ~~where one is occupied by the owner/operator and the other by the parent or child of the owner/operator~~, including barns, storage sheds, and similar agricultural structures and principal structures and principal uses permitted under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

AG: AGRICULTURAL/GENERAL

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

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production as provided in section 3.34 including all necessary site preparation, road construction and harvesting, and residential and accessory dwelling unit use incidental to this use, and principle uses permitted under AEP, except second dwelling. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

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

CR: COMMERCIAL RECREATION

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

SECTION 15. TRINIDAD AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.14 HOUSING

B. DEVELOPMENT POLICIES

1. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element: and shall be consistent with the LCP, with any applicable policies from Chapter 3 of the Coastal Act, and with Government Code 65852.2 as amended from time to time.

3.24 TIMBERLAND

A. PLANNED USES

1. Identification of Timberlands

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

(6) No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as not to ~~not~~ constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

SECTION 16. TRINIDAD AREA PLAN, CHAPTER 4 LAND USE DESIGNATIONS.

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

4.20 URBAN PLAN DESIGNATIONS

RE RESIDENTIAL ESTATES

PRINCIPAL USE: detached single family residences, accessory dwelling units, subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

CR COMMERCIAL RECREATIONAL

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

4.30 RURAL PLAN DESIGNATIONS

RX RESIDENTIAL/EXURBAN

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

Zoning Code, at 313-87.1.

RR RURAL RESIDENTIAL

PRINCIPAL USE: residential, accessory dwelling unit, subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

RV RURAL VILLAGE

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.26 B2. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

TC COASTAL COMMERCIAL TIMBERLAND

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

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

SECTION 17. MCKINLEYVILLE AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.25 HOUSING

A. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element: and shall be consistent with the LCP, with any applicable policies from Chapter 3 of the Coastal Act, and with Government Code 65852.2 as amended from time to time.

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents or children of the owner operator~~ or accessory dwelling unit and/or a junior accessory dwelling unit may be allowed without discretionary review subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. ~~The~~ An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

SECTION 18. MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

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

5.20 URBAN PLAN DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

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

RE: RESIDENTIAL ESTATES

PRINCIPLE USE: Detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURAL/GENERAL

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

accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

5.30 RURAL PLAN DESIGNATIONS

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: Residential single-family and accessory dwelling unit with neighborhood commercial services. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

RR: RURAL RESIDENTIAL

PRINCIPAL USE: Residential, accessory dwelling unit, subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

AEP: AGRICULTURE EXCLUSIVE/PRIME LANDS

PRINCIPAL USE: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences or one single detached and one accessory dwelling unit where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, as provided in Section 3.34 (Agriculture) of this document, and principal uses permitted under TC; ancillary development such as barns, storage sheds and similar agricultural structures. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

AEG: AGRICULTURAL EXCLUSIVE/GRAZING LANDS

PERMITTED USE: Production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences or one single detached and one accessory dwelling unit where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and the principle permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

AG: AGRICULTURE/GENERAL

PRINCIPLE USE: Production of food, fiber, plants or the grazing of recreational livestock, with a residence and accessory dwelling unit incidental to this use. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

CR: COMMERCIAL RECREATION

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

SECTION 19. EEL RIVER AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.26 HOUSING

A. HOUSING OPPORTUNITIES

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element; and shall be consistent with the LCP, with any applicable policies from Chapter 3 of the Coastal Act, and with Government Code 65852.2 as amended from time to time.

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels of 60 acres or larger, a second house ~~for parents or children of the owner-operator, or accessory dwelling unit~~ and/or a junior accessory dwelling unit may be allowed without discretionary review. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

3.35 TIMBERLANDS

B. COMPATIBLE USES

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

f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structure for owner and caretaker. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1. A ~~The~~ second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area

of two acres for a homesite and appurtenant uses. The total area need not be a contiguous unit.

SECTION 20. EEL RIVER AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS.

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

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

CR: COMMERCIAL RECREATIONAL

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

AG: AGRICULTURE/GENERAL

Principal Use: production of agricultural crops with a residence and accessory dwelling unit incidental to this use. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

5.30 RURAL PLAN DESIGNATIONS

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

RX: RESIDENTIAL/EXURBAN

PRINCIPAL USE: residential single-family and accessory dwelling unit, with neighborhood commercial services as allowed by Section 3.37B of this document. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

RR: RURAL RESIDENTIAL

Principal Use: residential and accessory dwelling unit subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

AE: AGRICULTURE EXCLUSIVE/PRIME AND NON-PRIME LANDS

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

dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

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

PERMITTED USE: production of food, fiber, or plants, with residence as a use incidental to this activity, including two (2) separate residences or one single detached and one accessory dwelling unit ~~where one is occupied by the owner/operator and the other by the parent or child of the owner/operator,~~ and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

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

PERMITTED USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences or one single detached and one accessory dwelling unit ~~where one is occupied by the owner/operator, and the other by the parent or child of the owner/operator,~~ and principal permitted uses under TC. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

TC: COASTAL COMMERCIAL TIMBERLAND

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

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

SECTION 21. SOUTH COAST AREA PLAN, CHAPTER 3 DEVELOPMENT AND RESOURCE POLICIES.

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

3.26 HOUSING

A. LOW AND MODERATE INCOME HOUSING

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element: and shall be consistent with the LCP, with any applicable policies from Chapter 3 of the Coastal Act, and with Government Code 65852.2 as amended from time to time.

3.34 AGRICULTURE

B. COMPATIBLE USES

1. The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber on the parcel; except that on parcels 60 acres or larger, a second house ~~for parents of children of the owner operator, or accessory dwelling unit~~, shall be allowed without discretionary review ~~considered a direct part of agricultural production~~. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

3.35 TIMBERLANDS

B. COMPATIBLE USES

1. No use shall be permitted for Coastal Commercial Timberlands that detracts from or inhibits the growing and harvesting of timber; and compatible uses other than direct growing and harvesting of timber shall be restricted to:
 - f. No more than two single-family dwelling units, one of which may be an accessory dwelling unit, and normal accessory uses and structures for owner and caretaker. The An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1. A second dwelling that is not an accessory dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of timberland for residential use is limited to an area of 5% of the total parcel, to a maximum area of two acres for a home-site and appurtenant uses. The total area need not be a contiguous unit.

SECTION 22. SOUTH COAST AREA PLAN, CHAPTER 5 LAND USE DESIGNATIONS.

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

5.20 URBAN PLAN DESIGNATIONS

RM: RESIDENTIAL/MEDIUM DENSITY

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

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

RL: RESIDENTIAL/LOW DENSITY

PRINCIPAL USE: detached single family residences, accessory dwelling units subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

5.30 RURAL PLAN DESIGNATIONS

AEG: AGRICULTURE EXCLUSIVE/GRAZING LANDS

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

TC: COASTAL COMMERCIAL TIMBERLAND

PRINCIPAL USES: Timber production including all necessary site preparation, road construction and harvesting, and residential use incidental to this use, and principal uses permitted under ~~AEP~~ AEG, except second dwelling. An accessory dwelling unit is subject to the limitations established in Chapter 3 of the Zoning Code, at 313-87.1.

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

SECTION 23. EFFECTIVE DATE.

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on _____, 2020

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

Dated: _____, 20__

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

(SEAL)

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

By: Ryan Sharp, Deputy