

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT  
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January 16, 2024

Humboldt County Board of Supervisors and Planning Staff

RE: Comments on the Proposed Update to the Coastal Zoning Regulations (CZR) of the Humboldt County Local Coastal Program (LCP) to regulate the use of short-term rentals (STRs) within the unincorporated areas of Humboldt County.

Dear Supervisors and County Planning Staff:

Thank you for the opportunity to comment on the proposed Coastal STR Ordinance, which would add section 313-61.05 (Short-Term Rentals) to Chapter 3 of Division 1 of Title III of the CZR for coastal areas of the county. Comments in this letter are based on the 11/30/2023 version of the draft coastal sign regulations amendment.

We appreciate the opportunity to collaborate with the County on the development and review of the subject draft CZR amendment prior to transmittal to the Commission to narrow any issues regarding conformance with the Coastal Act and certified land use plans (LUPs) that might otherwise need to be addressed during the Commission's hearings on certification of the proposed LCP amendment. Pursuant to Coastal Act section 30513, for the Coastal Commission to certify an amendment to the Implementation Plan (IP) portion of an LCP (in this case the CZR), the Commission must find that the IP as amended conforms with, and is adequate to carry out, the provisions of the certified LUPs. The County has six certified LUPs (North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan, and South Coast Area Plan), and conformity of the Coastal STR Ordinance with each is required for Coastal Commission certification.

Generally, the Coastal Commission is supportive of STRs in the coastal zone because they can provide a form of lower cost visitor lodging that facilitates public opportunities for coastal access and recreation. At the same time, the Coastal Commission is increasingly concerned with housing supply and access to affordable housing in the coastal zone. We appreciate that the County's draft ordinance attempts to balance STR regulations in a way that provides for the visitor serving use, minimizes impacts to coastal resources, and protects housing stock.

Attached please find a number of preliminary general comments on the draft Coastal STR Ordinance for your consideration (Attachment A). Please note that these are preliminary Commission staff comments after an initial review of the proposed amendment and are not comprehensive. In addition, as always with policy review, new questions and comments will arise as our initial comments are addressed, new information is received, and the draft LCP amendment language evolves.

We appreciate the County's consideration of these preliminary comments, and we look forward to continuing to collaborate with the County in the interest of advancing this comprehensive update through the Commission's LCP amendment certification process. We are available to meet and discuss these comments in more detail with County staff.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Mitchell".

Catherine Mitchell, Coastal Planner

Encl: Attachment A: Coastal Commission Staff Comments

January 16, 2024

## **Attachment A: Coastal Commission Staff Comments on Humboldt County's Draft Short-Term Rental (STR) Ordinance**

- A) **Permit Requirements.** Section 61.05.6 Permit Requirements describes when an STR may be permitted either with an Administrative Permit, Special Permit, or Conditional Use Permit. Chapter 2 of the County Zoning code describes noticing requirements, required findings, and other pertinent details for Special Permits and Conditional Use Permits. It does not explicitly describe Administrative Permits. Please consider whether any updates to that chapter are needed for internal consistency or if additional procedural requirements are needed for administrative permits, we recommend that more detailed procedures be added to this ordinance. We suggest clarifying whether STRs would also require a Coastal Development Permit in addition to the Administrative, Special, or Use Permit. The ordinance should be clear on whether a CDP is required for certain STRs.
- B) **STRs in Resource Districts.** The ordinance currently allows STRs in zoning districts where residential use is a permitted use, including in Agricultural zones AE, TC, and TPZ. In each of the six LUPs, residences are only allowed in the agricultural designations if they are incidental to the primary use. The ordinance could specify that STRs are not allowed in dwellings that are incidental to the primary use of the property for agricultural purposes and could reference the agricultural protection policies of the Area Plans.

Proposed section 61.05.10.2.4 Resource Zone Districts specifies that STRs in AE, TC, and TPZ may only be permitted as farm stays. However, farm stays are not listed as a conditionally permitted use in those zoning districts and are not currently regulated under the LCP, although we recommend that new regulations be developed either through this STR ordinance or through a separate farm stay ordinance. In the absence of the County developing farm stay regulations, we recommend not allowing any STRs on agricultural lands and timberlands, as they appear to conflict with the LUPs which require residences to be incidental to the agricultural use of the land. If/after more detailed farm stay regulations are developed, we recommend that farm stays be listed as a conditional use on resource lands.

- C) **Short-term Rental Cap.** The ordinance currently proposes a cap of 2% of the housing stock in the Coastal Greater Humboldt Bay Area, which includes four out of the six LUPs. As written, the bulk of those STRs could potentially be located in one geographic area, such as within the Trinidad Area Plan. Consider capping the number of STRs within each area plan to a certain number or percentage of the housing stock within that area.
- D) **Maximum Overnight Occupancy.** The ordinance currently allows for two people per bedroom, plus two extra people, not counting children under 12. We are

curious whether the Department of Environmental Health has been consulted for properties on septic systems and/or water wells. With input from DEH, we would recommend policies to either ensure that adequate water and septic supply is available for the proposed occupancy of STRs or to further limit the maximum occupancy in rural areas served by on-site systems.

- E) **STRs in Zoning Tables.** The ordinance proposes to remove the Bed and Breakfast use from the residential zone districts. Are there existing B&Bs that would no longer be regulated under the B&B section? No new use type is proposed to be added. Vacation home rentals have also been deleted from the Use Type descriptions for Visitor Serving Facilities and Single Family Residential. We request clarification on the intent of the proposed deletions, and more information on how STRs would be regulated under the zoning tables and use type descriptions.
- F) **Section 61.05.2 Applicability.** We recommend adding “legally authorized” before dwelling units.
- G) **61.05.10.1.3 Accessory Dwelling Unit.** This section should cross reference the recently certified ADU regulations, specifically 69.05.3.4 Short-term Lodging Prohibited, which states that neither the ADU nor the primary residence shall be rented for periods of 30 days or less.