



COUNTY OF HUMBOLDT

For the meeting of: 6/1/2023

File #: 23-760

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Public Hearing on the Coastal Accessory Dwelling Unit Ordinance as Modified by the California Coastal Commission; Record # LRP-2019-15873

RECOMMENDATION(S):

That the Planning Commission:

1. Open the public hearing, receive and consider the staff report, and accept public comment; and
2. Deliberate and comment on the draft modifications and alternatives presented; and
3. Based on evidence in the staff report and public testimony, make all the required findings and adopt the attached Resolution recommending that the Humboldt County Board of Supervisors find that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, and adopt the proposed amendments to the Coastal Zoning Regulations.

DISCUSSION:

The Coastal Accessory Dwelling Unit (ADU) Regulations were approved by the Board of Supervisors on July 13, 2021 (Ordinance No. 2679) and transmitted to the Coastal Commission as a Local Coastal Plan Amendment (LCP-1-HUM-21-0067-3). On February 10, 2023 the Coastal Commission tentatively approved the proposed ordinance as long as the County made some revisions to better align with the Coastal Act. Staff believes the modifications clarify the ordinance consistent with state law so we recommend the Planning Commission make a recommendation to the Board of Supervisors to adopt them.

The modifications tentatively approved by the Coastal Commission are as follows:

- 1) Clarification of notice and public hearing procedures for Accessory Dwelling Units (ADUs) in the Coastal Zone;
- 2) A definition of Junior Accessory Dwelling Unit (JADU) added to Section 313-145;
- 3) Text clarifying when a Coastal Development Permit is required;

- 4) Addition of a deed restriction requirement preventing use of the ADU as transient habitation;
- 5) Strike the allowance for an ADU that exceeds 1200 square feet with a Special Permit;
- 6) Requirement that ADUs be clustered with other existing structures to the maximum extent feasible on prime agricultural soils and timberlands; and
- 7) Add to the Special Permit Areas (1) lands subject to future sea level rise with a 75-year design life horizon, and (2) parcels that require new wells or septic systems to accommodate the ADU or JADU.

Environmental Review

The proposed amendments are exempt from the California Environmental Quality Act (CEQA) 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.

OTHER AGENCY INVOLVEMENT:

State Department of Housing and Community Development, California Coastal Commission, Department of Public Works, Department of Health and Human Services - Environmental Health Division, Tribal governments and tribal organizations, and the Office of County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission can choose to recommend to the Board of Supervisors specific modifications to the proposed Coastal ADU Ordinance at its discretion. Staff does not recommend this alternative because that would nullify the Coastal Commission's approval and the County would have to re-start the certification process with the Coastal Commission. Alternatively, the Planning Commission could recommend that the Board of Supervisors not approve the Coastal ADU Ordinance if the Commission finds that the evidence presented does not support making all the required findings. In that case the existing Accessory Dwelling Unit regulations in state statute would continue to govern development of ADUs in the Coastal Zone. Planning staff believes the evidence supports making all the required findings and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Resolution recommending Adoption of the Coastal Accessory Dwelling Unit Ordinance as Modified by the California Coastal Commission.
2. Ordinance _____ Adopting Modifications to the Coastal Accessory Dwelling Unit Regulations.
3. Agency/Public Comment.