

2A

Ministerial (by-right) approval processes for housing types like single-family homes, accessory dwelling units (ADUs), and small multifamily units are reflected in the **Humboldt County Code** and California law:

1. Accessory Dwelling Units (ADUs) — Local Code (County Code § 313-69.05)

What the Code says

- Humboldt County Code **explicitly allows ADUs** in all zones that allow **single-family or multifamily residential use** (RS, R-1, R-2, etc.) subject to **objective standards** and a **ministerial permitting process** — meaning no public hearing or discretionary decision is required if the application meets the standards.
- ADU provisions include things like size, setbacks, number of units, and connection to utilities, and the County must act on a complete ADU permit application **within 60 days**.

Key point

✓ ADUs are approved **ministerially (by right)** in applicable zones — this implements state ADU law directly in the local code.

2. Standard Homes and Multifamily Housing — Local Code

Single-Family Homes (R-1) and Duplex/Multifamily (R-2, R-3)

- Humboldt County Code lists **single-family dwellings as a principal permitted use in R-1 zones and two-family dwellings in R-2 zones**, etc., meaning those uses are allowed where the zoning permits them.
- However, **the Code itself does not in one place specifically label these as “ministerial by-right”** in the sense of a *guaranteed objective review process* for new construction the way ADU rules do. Instead, the zoning table defines *permitted uses* (which are generally ministerial when only building-permit requirements remain).

So for **standard single-family homes and duplexes**, the Code’s zoning use tables functionally mean:

✓ If the site is zoned for the use, and the design meets objective zoning and building standards, a building permit can be issued ministerially — no discretionary public hearings are required.

3. Ministerial Approval under *State Housing Law* (SB 9 / Gov't Code)

While the Humboldt County Code itself doesn't have a standalone "ministerial housing approvals" chapter, state housing law applies automatically:

SB 9 (California Housing Opportunity and More Efficiency (HOME) Act)

- Effective statewide, **SB 9 requires that local governments ministerially approve:**
 - **Two-unit developments** in single-family zones (no discretionary approval or hearing), and
 - **Urban lot splits** into two parcels ministerially.
- In Humboldt County, Planning & Public Works departments provide an **administrative (ministerial) SB 9 urban lot split process** without public hearing; conditions are uniform and objective.

This means (state law):

✓ A qualifying property in an R-1 (single-family) zone can add up to two homes (or create two lots) by **ministerial review**, bypassing discretionary zoning hearings — unless specific coastal or historic protections apply.

This *state law requirement* operates even if the **County Code doesn't have a dedicated standalone "ministerial by-right housing" chapter** — the county must implement it in practice.

4. Multifamily Streamlined (SB 35 / Gov't Code § 65913.4)

There is also *state streamlined, ministerial approval* for **qualifying multifamily projects** (commonly called **SB 35**):

- Projects meeting income/affordability thresholds and objective zoning standards must be approved ministerially without discretionary review.

Implementation by Humboldt County depends on housing element performance and annual reporting data — it is a *state obligation* rather than something the County Code alone created.

Summary — Where to Look

Type of Housing	Statutory or Code Basis	Ministerial (By-Right) Approval?
Single-family homes (R-1)	County zoning principal permitted use	Yes (if zoning/building standards met)
Duplex or multifamily (R-2/R-3)	County zoning principal permitted uses	Yes (objective standards)
ADUs / JADUs	County Code § 313-69.05 + state ADU law	Yes, with objective standards and internal 60-day review
SB 9 two-unit developments / urban lot splits	State law (Gov't Code & County implementation)	Yes, ministerial required
Streamlined multifamily (SB 35 / § 65913.4)	State law	Yes, if qualifying project

Where It *Is* in the County Code

- **Accessory Dwelling Units:** *County Code § 313-69.05* (ministerial ADU process).
- **Residential Zoning Uses (R-1, R-2, R-3, Mixed Use):** *County Code §§ 314-6, 314-9* show which uses are allowed by right.
- **SB 9 Urban Lot Split Process:** Humboldt County implements via administrative procedures as described on the County Planning website — the Code does not need a separate residential ministerial chapter for this because state law applies directly.

CHAPTER 2

ADMINISTRATION, PROCEDURES, AMENDMENTS AND ENFORCEMENT

CHAPTER 2

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312-1 General Provisions and Administration

1.1 GENERAL PROVISIONS

1.1.1 **Applicability.** These procedures shall apply throughout the unincorporated territory of Humboldt County. (Former Section INL#311-3; CZ#A315-1(A); Ord. [519](#), Sec. 1, 2, 5/11/65; Ord. [1705](#), 9/10/85)

1.1.2 **Legal Lot Requirement.** Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations. (Former Section CZ#A315-1(B); Ord. [1705](#), 9/10/85)

1.2 DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

1.2.1 Pursuant to Title 7, Chapter 4, Article 3 of the Government Code of the State of California (commencing with Section [65900](#)), there is hereby created in the County of Humboldt the office of Zoning Administrator. (Former Section INL#318-1(a); Ord. [946](#), 10/2/73)

1.2.2 The Director of the Planning and Building Department shall be assigned the duties of the office of Zoning Administrator. (Former Section INL#318-1(b); Ord. [946](#), 10/2/73; Amended by Ord. [2214](#), 6/6/00)

1.2.3 The Director of the Planning and Building Department shall have the authority to appoint a person in the Department to serve as Zoning Administrator and also an Assistant Zoning Administrator to serve in the capacity as Administrator in the absence of the Zoning Administrator. The Director shall also have the authority to replace and/or remove the above persons from office. (Former Section INL#318-1(c); Ord. [946](#), 10/2/73; Amended by Ord. [2214](#), 6/6/00)

1.2.4 The Zoning Administrator shall be a Hearing Officer authorized to investigate, consider and approve, conditionally approve or deny all applications for special permits, use permits and variances, etc., as specified herein. (See Section [312-9](#)) (Former Section INL#318-1(d); Ord. [946](#), 10/2/73)

1.2.5 At any time prior to opening the public hearing on an application, the Zoning Administrator is authorized to refer any application with or without recommendations to the Planning Commission. In such cases, the Planning Commission shall hear and decide the matter. An appeal from the decision of the Planning Commission may be made to the Board of Supervisors. (See Section [312-13](#), Appeal Procedures.) (Former Section INL#318-1(e); Ord. [946](#), Sec. 1, 10/2/73; amended by Ord. [1726](#), Sec. 7, 3/4/86)

1.3 PLANNING COMMISSION FORMATION AND COMPOSITION

1.3.1 The Humboldt County Planning Commission is established as the planning agency of the County. The Planning Commission shall consist of seven (7) members selected by the Board of Supervisors as follows: (Former Section INL#318-2(a))

1.3.1.1 Five (5) members shall be selected, one (1) by each Board member, so that each is a resident of a different Supervisorial District. (Former Section INL#318-2(a)(1))

1.3.1.2 Two (2) members shall be selected at large by a majority vote of the Board of Supervisors. (Former Section INL#318-2(a)(2))

1.3.2 The term of office for members appointed by a Board member shall run concurrent with the term of office of the appointing Board member. (Former Section INL#318-2(b))

1.3.3 Members appointed at large by the Board of Supervisors shall serve staggered two (2) year terms, commencing as follows:

1.3.3.1 February 1, 2023, for the at-large term expiring January 31, 2023.

1.3.3.2 February 1, 2024, for the at-large term set to expire January 31, 2025.

1.3.4 Vacancies shall be filled as set forth in subsection [1.3.1](#) of this section for the unexpired portions of the term. (Former Section INL#318-2(b))

1.3.5 The members of the Planning Commission shall serve without compensation, except that each member shall be paid a per diem of one hundred forty dollars (\$140.00) for each day's attendance (up to a maximum of ten (10) meetings per month) at a meeting of the Planning Commission. In addition, each member shall be allowed travel expenses in the same amounts and in the same manner as are allowed other County officers and employees. (Former Section INL#318-2(c))

1.3.6 If a member of the Commission is absent from three (3) consecutive regular meetings or five (5) regular meetings within a calendar year, such person shall be deemed to have resigned his or her membership on the Commission, unless such absence is excused by the Planning Commission due to illness, absence from the County, or extreme weather conditions. The Secretary to the Planning Commission shall give written notice to a Planning Commissioner who, without an excused absence, has missed two (2) consecutive meetings or four (4) regular meetings in a calendar year, which notice shall contain a statement advising the Commissioner of the absences and the consequences thereof, together with a copy of this section. (Former Section INL#318-2(e))

1.3.7 A member of the Commission may be removed without cause and at any time by the Supervisor representing the Supervisorial District from which the Commissioner is appointed or by a four-fifths (4/5) vote of the Board of Supervisors. At-large members may be removed without cause at any time by a four-fifths (4/5) vote of the Board of Supervisors. (Ord. 932, § 2, 6/26/1973; Ord. 1080, § 1, 5/4/1976; Ord. 1350, § 1, 8/28/1979; Ord. 1472, § 1, 6/2/1981; Ord. 2214, 6/6/2000; Ord. 2612, § 1, 9/11/2018; Ord. 2702, § 1, 11/29/2022; Ord. 2734, § 2, 3/5/2024)

312-2 Zoning Clearance Certificate Procedures

2.1 PURPOSE

A zoning clearance certificate certifies that a proposed development conforms with all current requirements of the Zoning regulations and, if applicable, the terms and conditions of any previously approved development permit or variance. (Former Section INL#316-22; CZ#A315-2(A); Added by Ord. [1280](#), Sec. 3, 10/10/78)

2.2 REQUIRED ZONING CLEARANCE CERTIFICATE

A Zoning Clearance Certificate is required whenever a building permit is required, and must be secured prior to the issuance of the building permit. (Former Section INL#316-22; CZ#A315-2(B); Added by Ord. [1280](#), Sec. 3, 10/10/78)

2.3 FILING AND PROCESSING APPLICATIONS FOR A ZONING CLEARANCE CERTIFICATE

2.3.1 **Applications.** Any individual may apply for a zoning clearance certificate in conjunction with or prior to application for a building permit for a proposed development. (Former Section CZ#A315-2(C)(1); Ord. [1705](#), 9/10/85)

2.3.2 Application Form. The Planning and Building Department shall provide standard forms on which applications for zoning clearance certificates can be filed. (Former Section CZ#A315-2(C)(2); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

2.3.3 Filing Applications. Applications for a zoning clearance certificate shall be filed with the Planning Division of the Planning and Building Department on the forms provided. At the time the application is filed, the applicant shall submit the required filing fees prescribed by the Board of Supervisors. All other plans, specifications and information that may be required by the Department to demonstrate compliance with the zoning regulations shall be filed with the application. (Former Section CZ#A315-2(C)(3); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

2.3.4 Processing Applications. Within five (5) working days of accepting an application, the Planning Division shall review the proposed development for conformance with the Humboldt County General Plan, in particular the Open Space Plan and Open Space Action Program, and the Humboldt County Zoning Regulations; and, if applicable, the terms and conditions of any previously approved development permit, variance, or subdivision. (Former Section CZ#A315-2(C)(4); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

2.4 ISSUANCE OF CERTIFICATE

2.4.1 Upon completion of the required Planning Division review (subsection 312-2.6), zoning clearance certificates shall be approved and immediately issued by the Director, or designee, if, based upon information provided by the applicant, all of the following findings are made: (Former Section CZ#A315-2(C)(5); Ord. [1705](#), 9/10/85)

2.4.1.1 The proposed development is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5. Zoning Ordinance Revision for Open Space Consistency Determinations); and

2.4.1.2 The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and (Former Section CZ#A315-2(C)(5)(a); Ord. [1705](#), 9/10/85)

2.4.1.3 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#A315-2(C)(5)(b); Ord. [1705](#), 9/10/85)

2.4.1.4 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance (1) is necessary for the abatement of the existing violation(s); or (2) addresses an imminent health and/or safety violation; or (3) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with Section [312-42](#); or (4) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#A315-2(C)(5)(c); Ord. [1705](#), 9/10/85; Ord. [2407](#), § 1, 12/16/2008)

2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#A315-2(C); Ord. [1705](#), 9/10/85)

2.4.3 Written notification of the Director's decision shall be transmitted to the Building Division, within five (5) working days of the decision. (Former Section CZ#A315-2(C); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

2.4.4 Decisions on zoning clearance certificate applications are not appealable. (Former Section CZ#A315-2(C); Ord. [1705](#), 9/10/85)

2.5 EXPIRATION OF ZONING CLEARANCE CERTIFICATES

A Zoning Clearance certificate shall expire at the end of the 180th calendar day after issuance, unless otherwise indicated on the clearance, or when the proposed development no longer conforms with the County Zoning Regulations. However, if the proposed development has commenced, as authorized by any required County permits, the certificate shall not expire as long as the required building permit does not expire, as specified in the Uniform Building Code (currently Section 106.4.4). (Former Section CZ#A315-2(D); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00) (Ord. 2629, § 2, 6/11/2019)

312-3 Required Permits and Variances

3.1 REQUIRED PERMITS

In addition to any other permits or approvals required by the County, including grading and building permits, any permit required by this chapter shall be secured prior to the development of any lot in the unincorporated territory of Humboldt County. The following permits shall be required: (Former Section CZ#A315-3(A); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

3.1.1 **Administrative Permit (AP).** An Administrative Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with an Administrative Permit.

3.1.2 **Special Permit (SP).** A Special Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with a Special Permit. (Former Section CZ#A315-3(A)(1); Ord. [1705](#), 9/10/85; Amended by Ord. [2214](#), 6/6/00)

3.1.3 **Use Permit (UP).** A Use Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is:

3.1.3.1 permitted only as a conditionally permitted use, or (Former Section CZ#A315- 3(A)(2); Ord. [1705](#), 9/10/85)

3.1.3.2 for any use not specifically enumerated in these regulations, if it is similar to and compatible with the same uses permitted in the zone in which the subject property is situated. (Ord. 2214, 6/6/2000)

3.1.4 **Planned Unit Development Permit (PDP).** A Planned Unit Development Permit must be secured, pursuant to all requirements of this Code, prior to the initiation of a planned unit development. (Former Section INL#315-4(b); CZ#A315-3(A)(3))

3.1.5 Coastal Development Permit (CDP). A Coastal Development Permit must be secured, pursuant to the requirements of these regulations, prior to the commencement of any development within the Coastal Zone of the County, including development by State and local public agencies, unless the development is exempted or excluded under the California Public Resources Code (Section [30000](#), and following) or the California Code of Regulations. (See also Section [312-15](#), Waiver of Procedures for Emergencies. (Former Section CZ#A315-3(A)(4); Amended by Ord. [2214](#), 6/6/00)

3.2 VARIANCES

Variations from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (From Government Code Sec. [65906](#); Former Section INL#317-21; CZ#A315-3(B); Ord. [946](#), Sec. 3, 10/2/73; Amended by Ord. [2214](#), 6/6/00)

3.3 CONCURRENT PERMIT REQUIREMENTS

3.3.1 Concurrent/Combined Permit Requirements. Whenever a development proposal requires the issuance of more than one (1) permit for approval, the applicable permit procedures shall be applied simultaneously. (Former Section CZ#A315-4(A))

3.3.1.1 A proposed development or use that requires an Administrative Permit and a Special Permit shall be processed as a Special Permit.

3.3.1.2 A proposed development or use that requires an Administrative Permit or a Special Permit and a Use Permit shall be processed as a Use Permit. (Former Section CZ#A315-4(A)(1))

3.3.1.3 A proposed development or use that requires a Planned Unit Development Permit and a Use Permit shall be processed as a Planned Unit Development Permit. (Former Section CZ#A315-4(A)(2))

3.3.1.4 A proposed development or use that requires a Special Permit, Use Permit, or Planned Unit Development Permit and a Coastal Development Permit shall be processed as a Coastal Development Permit. (Former Section CZ#A315-4(A)(3)) (Ord. 2734, § 3, 3/5/2024)

312-4 Conditions on Permits and Variances

4.1 CONDITIONS

The Hearing Officer may impose conditions on a development permit or variance concerning any matter subject to regulation under this zoning ordinance, or the County General Plan, to accomplish the following purposes, or any additional related purposes: (Former Section CZ#A315-4(B)(1)(a-g))

- 4.1.1 To assure compliance with special development regulations or requirements for creation or improvement of building sites;
- 4.1.2 To minimize or mitigate any adverse impact of the development upon other land, including: regulation of the hours of use and operation, specification of type and intensity of activities that may be conducted, and establishment of buffer areas;
- 4.1.3 To control the sequence or timing of development;
- 4.1.4 To control the duration of use of the development and the time after which any structure must be removed;
- 4.1.5 To assure that development will be maintained properly;
- 4.1.6 To designate the exact location and nature of development; and
- 4.1.7 To establish more detailed records by submission of drawings, maps, plans, or specifications.
- 4.1.8 To pay any required County fees. (Ord. 2214, 6/6/2000)

4.2 PROHIBITED CONDITIONS

The grant of a permit or variance may not be conditioned on the payment or conveyance by the developer of any money, land, or other property, except as specifically provided by this Code, the General Plan, Local Coastal Program, or any provision of State or Federal law. (Former Section CZ#A315-4(B)(2); Amended by Ord. [2214](#), 6/6/00)

4.3 SECURITY MAY BE REQUIRED

To insure the performance of conditions imposed at the time of granting or modification of a permit or variance, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the Hearing Officer. Every bond to insure performance of conditions shall be:

- 4.3.1 a penalty bond;
- 4.3.2 in a form satisfactory to the Hearing Officer or Board of Supervisors, whichever requires the bond;
- 4.3.3 payable to the County of Humboldt; and
- 4.3.4 conditioned upon compliance with the conditions and limitations, including any limitation of time, upon which such variance or development permit is granted.

Upon the breach of any condition or limitation, including a limitation of time, upon which the variance or development is granted, the money or the bond furnished as security shall be forfeited to the County and such

money or the money collected on any such bond shall be paid into the general fund of the County of Humboldt. (Former Section CZ#A315-4(B)(3))

4.4 INSPECTION FEE

The applicant shall bear the actual costs of inspections by the County to assure conformance with permit or variance conditions imposed. This may include, but shall not be limited to, engineering costs, laboratory fees, consultant fees, and all inspections and control fees and tests. The applicant shall post a cash deposit equal to the estimated costs of inspections, which shall be an amount equal to three (3) percent of the estimated cost of all improvements required by the permit or variance conditions. The cash deposit may be waived by the Director of the Department for which the services are provided if the amount of the cash deposit is less than \$100.00. The actual costs of inspection shall be deducted from said cash deposit. Any surplus remaining after deducting the costs of inspection from said cash deposit shall be refunded to the applicant. In the event the cash deposit is insufficient to cover the actual costs of inspection, the applicant shall agree to pay to the County of Humboldt the excess of the actual costs over the cash deposit upon receipt of a billing from the County. (Former Section CZ#A315- 4(B)(4))

312-5 Filing Applications for Permits and Variances

5.1 ELIGIBLE APPLICANTS

The following persons are eligible to apply for a permit or variance; (Former Section INL#317- 3; CZ#A315-6(A)(1-2); Ord. [894](#), Sec. 1, 12/19/72)

5.1.1 The property owner, or owners;

5.1.2 An authorized agent of the property owner, or owners.

5.2 APPLICATION FORM AND FILING FEE

5.2.1 Applications for permits and variances shall be filed with the Community Development Services Department on forms provided by the Department and completed by the applicant. The Department shall maintain a list which specifies the information that will be required from applicants for development projects. The application shall include all of the following information: (Former Section INL#317-3, 317-22, 317-32, 317-40.2; CZ#A315-6(B)(1-5); Ord. [894](#), Sec. 1, Sec. 3, 12/19/72; Ord. [946](#), Sec. 4, 10/2/73; Amended by Ord. [1251](#), Sec. 2, 8/15/78; Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

5.2.1.1 A description, including maps, plans and other relevant data, of the proposed development, project site and vicinity sufficient to determine whether the project complies with the requirements of these regulations. The description shall include sufficient information concerning the existing use of land and water areas in the vicinity of the site of the proposed project, to the extent that the applicant can reasonably ascertain this information for the vicinity surrounding the project site.

5.2.1.2 A legal description of the applicant's interest in all the property upon which work is to be performed.

5.2.1.3 A dated signature by the property owner, or owners, authorizing the processing of the application, and, if desired by the property owner, an authorization for a representative to bind the property owner in matters concerning the application.

5.2.1.4 Such additional information that the Director may determine is necessary to determine whether the development is consistent with the County General Plan and these regulations.

5.2.1.5 A statement that processing of applications which do not contain truthful and accurate information necessary to review the applications may be delayed or may result in permit denial, or revocation if the inaccurate information is discovered after approval or issuance of the permit.

5.2.2 When the application is filed, the applicant shall pay the application fees prescribed by resolution of the Board of Supervisors, and provide all other plans, specifications and information that may be required by the Director for compliance with applicable regulations. (Former Section INL#317-22, 317-32, 317-40.2; CZ#A315-6; Ord. [894](#), Sec. 1, Sec. 3, 12/19/72; Ord. [946](#), Sec. 4, 10/2/73; Amended by Ord. [1251](#), Sec. 2, 8/15/78; Ord. [1726](#), Sec. 4, 3/4/86)

312-6 Processing Applications for Permits and Variances

Upon receipt of an application for a permit or variance, the application shall be processed by the Planning and Building Department as follows:

6.1 APPLICATION CHECK

6.1.1 The Department shall review all applications for development permits or variances for completeness and accuracy before the applications are accepted and officially filed as complete. (Former Section CZ#A315-6(C)(1))

6.1.2 The application shall be deemed complete and accepted unless the Department finds that the application is not complete and sends the applicant notification of such finding by mail within thirty (30) calendar days after receipt of the application. If the application is determined to be incomplete, the Department shall specify those parts of the application which are incomplete and shall indicate what is required for them to be considered complete. (Former Section CZ#A315-6(C)(1); Amended by Ord. [2214](#), 6/6/00; See also, Government Code Sec. [65943](#))

6.1.3 During Application Check, the Department shall refer copies of the application to any County department, Design Review Committee, State or Federal agency, or other individual or group that the Department believes may have relevant authority or expertise. Along with the referral, the Department shall include notification that, if the Department does not receive a response within ten (10) working days, the Department will assume that no recommendations or comments are forthcoming. It should be noted that, even if responses are not received within the requested time limit, Federal and State law may require consideration of the comments. (Former Section CZ#A315-6(C)(1); Amended by Ord. [2214](#), 6/6/00)

6.1.4 Where the Department has determined that an application is incomplete, and where the applicant believes that the information requested by the Department to complete the application is not required by this division, the

applicant may request, in writing, that the application be processed to the designated Hearing Officer as submitted. Upon receipt of such written request, the Department shall schedule the application for a hearing before the Hearing Officer within 30 working days. (Former Section CZ#A315- 6(C)(1); Amended by Ord. [2214](#), 6/6/00)

6.1.5 If the application is not completed by the applicant within six (6) months after original receipt of the application, it will be deemed withdrawn. A new application may be made subject to the filing of fees in accordance with subsection [312-5.2](#), Application Form and Filing Fee. (Former Section CZ#A315-6(C)(1))

6.2 PROJECT REVIEW

6.2.1 Upon acceptance of an application as complete, the Director, or designee, shall complete an environmental review of the project, as required by the California Environmental Quality Act (CEQA), and shall study the project for conformance with all applicable requirements of these regulations. (Former Section CZ#A315-6(C)(2))

6.2.2 The Director, or designee, may refer relevant portions of the completed application to those departments, agencies or individuals who received copies of the application during the application check (see, subsection [312-6.1](#), Application Check), or other individual/group that the Department believes may have relevant authority or expertise. (Former Section CZ#A315-6(C)(2); Amended by Ord. [2214](#), 6/6/00)

6.2.3 The Director, or designee, shall prepare a written report with findings and evidence in support thereof. (Former Section CZ#A315-6(C)(2))

6.3 PUBLIC REVIEW

Following project review of applications requiring a public hearing, the written report prepared by the Director, or designee, shall be mailed or delivered to the Hearing Officer and the applicant. Public notice shall be given in accordance with Section [312-8](#), Public Notice Procedures. Public hearings shall be held as required by Section [312-9](#), Public Hearing Requirements and Authorized Hearing Officer. (Former Section CZ#A315-6(C)(3))

6.3.1 Applications for accessory dwelling units (ADUs) generally do not require a public hearing, but may require a coastal development permit if within the Coastal Zone. In the Coastal Zone, notice of an application for a coastal development permit for an ADU, where no public hearing is required, must be given in accordance with Sections [312-8.1](#) and [312-8.2](#).

6.4 PUBLIC HEARING: EVIDENCE

6.4.1 At the Public Hearing, the Hearing Officer shall receive pertinent evidence concerning the permit or variance, particularly evidence about the Findings required by this Code. (See, Section [312-17](#), Required Findings.) (Former Section INL#317-24, 317-34, 317-40.5; Ord. [946](#), Sec. 4, 10/2/73; Added by Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

6.4.2 The applicant shall have the burden of establishing all facts necessary to make the required Findings. (Former Section INL#317-24, 317-34, 317-40.5; Ord. [946](#), Sec. 4, 10/2/73; Added by Ord. [1726](#), Sec. 4, 3/4/86)

6.4.3 The Hearing may be continued from time to time but shall be concluded within a reasonable period of time. (Former Section INL#317-25, 317-35; Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [1418](#), Sec. 1, Sec. 2, 8/26/80)

6.5 PROJECT APPROVAL

6.5.1 For Administrative Permits, the Planning Director shall be the approving authority and shall ministerially approve permit applications which meet all requirements of the Zoning Ordinance and shall deny permit applications which cannot meet all requirements of the Zoning Ordinance.

6.5.2 For special permits, conditional use permits, planned unit development permits, coastal development permits and variances:

6.5.2.1 Following public review, the Hearing Officer shall approve, conditionally approve, or deny the proposed project in accordance with the particular requirements of this Code as they apply to the project, and in accordance with the required findings of this Code. (See Sections [312-17](#), Required Findings for All Permits and Variances, and Sections [312-18](#) through 312-49, supplemental findings.) The Hearing Officer's decision shall be expressed in writing. (Former Section INL#317-25, 317-35, 317-40.6; CZ#A315-6(C)(4); Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [1418](#), Sec. 1, Sec. 2, 8/26/80; added by Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

6.5.2.2 If the Hearing Officer does not grant or deny the permit or variance within thirty (30) working days of the conclusion of the hearing, it shall be deemed to be denied on that date. The decision of the Hearing Officer on all permits and variances shall become final ten (10) working days from the date of the decision, unless an appeal has been filed within that time. Appeals on subdivisions that require a Coastal Development Permit shall be filed within ten (10) calendar days of the decision of the Hearing Officer. (Former Section INL#317-25, 317-35, 317-40.6; CZ#A315-6(C)(4); Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [1418](#), Sec. 1, Sec. 2, 8/26/80; added by Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

6.5.2.3 Decisions of the Hearing Officer may be appealed to the Board of Supervisors in accordance with the appeal procedures of Section [312-13](#). (Former Section CZ#A315- 6(C)(4))

6.5.2.4 The Planning and Building Department shall notify all appellants, prior to filing, that the Board of Supervisors will not hear appeals of the Planning Commission's or Zoning Administrator's decision if said appellant has not given written or oral testimony at the Planning Commission or the Zoning Administrator's hearing level. (From Hearing Policy adopted by the Humboldt County Board of Supervisors, 6/16/81; Added by Ord. [2214](#), 6/6/00)

6.6 ISSUANCE OF PERMIT OR VARIANCE

6.6.1 Development permits and variances shall be issued by the Department upon compliance with all general regulations applicable to the permitted development and all conditions that may have been imposed on the project. (Former Section CZ#A315-6(C)(5))

6.6.2 No development permit or variance shall be issued until the Department has received written certification (from all applicable jurisdictional agencies) that the development for which the permit or variance is sought

complies with the applicable rules, policies and standards of their respective jurisdiction. (Former Section CZ#A315-6(C)(5))

6.7 NOTICE OF FINAL ACTION

Notice of final action on an application for a permit or variance shall be given as follows: (Former Section CZ#A315-13(A-E))

6.7.1 Notice shall be provided within five (5) working days of the Planning Director's action on an Administrative Permit or Hearing Officer's action on any discretionary permit. (Former Section CZ#A315-13(A-E); Amended by Ord. [2214](#), 6/6/00)

6.7.2 Notice shall be provided by first class mail to:

6.7.2.1 The Applicant;

6.7.2.2 Any person who specifically requested, in writing, notice of such final action;

6.7.2.3 For development proposed within the Coastal Zone, the Coastal Commission.

6.7.3 The notice for an Administrative Permit shall include the following information:

6.7.3.1 Copy of the Administrative Permit.

6.7.3.2 Procedures for renewal, if applicable.

6.7.4 The notice on any discretionary permit shall include the following information:

6.7.4.1 Written findings;

6.7.4.2 Conditions of approval;

6.7.4.3 Procedures for appeal if applicable. (Ord. 2717, § 2, 6/27/2023; Ord. 2734, § 4, 3/5/2024)

312-7 Supplemental Application Procedures

7.1 INITIAL STUDY CONFERENCE

7.1.1 An initial study conference is required when processing an application for a planned unit development permit. An initial study conference is optional in processing an application for all other permits that are subject to environmental review under the California Environmental Quality Act (CEQA). (Former Section CZ#A315-7; Amended by Ord. [2214](#), 6/6/00)

7.1.2 **Intent.** The initial study conference is designed to inform an applicant of the applicable Humboldt County regulations, to inform the County of the applicant's intentions, and to provide an opportunity to identify the issues associated with a proposed development before the applicant commits resources. (Former Section CZ#A315-7(A))

7.1.3 **Timing.** Upon submittal of a planned unit development permit application, or any other permit application subject to environmental review, the Department shall schedule an initial study conference. The initial study conference shall be held prior to conducting the project review of the application. (See, Section [312-6](#), Processing Applications for Permits and Variances, and subsection [312-6.2](#), Project Review.) (Former Section CZ#A315-7(B); Amended by Ord. [2214](#), 6/6/00)

7.1.4 **Initial Study Conference Proceedings.** At the initial study conference, the applicant or authorized agent shall present the project and receive comments from staff attending the conference. Representatives of the Department shall attend and, as deemed desirable and necessary, representatives from other County or other public departments, agencies, boards, or panels may be invited to attend the conference. (Former Section CZ#A315-7(C))

7.1.5 **Informational Presentation to Planning Commission.** The Department may schedule an informational presentation of the proposed development to the Planning Commission. The presentation shall be made by the applicant or authorized agent. No formal action shall be taken by the Planning Commission, but members of the Commission may comment on the project. (Former Section CZ#A315-7(D))

7.2 PUBLIC COASTAL ACCESS PROTECTION REVIEW

7.2.1 All applications for a Coastal Development Permit proposing development located between the first public road and the sea shall be reviewed during the application check, project review, and public review, as required in this Code, to determine if the proposed development is located within an area with indications of public use. (Former Section CZ#A315-9(A))

7.2.1.1 **Information Submitted by the Applicant.** If the Department determines that the proposed development is located within an area with indications of public use, the applicant shall submit any information she or he may have relevant to the public access question. (Former Section CZ#A315-9(A)(1); Amended by Ord. [2214](#), 6/6/00)

7.2.1.2 **Survey Conducted by the Department.** During the project review, the Department shall conduct a survey of property owners and occupants within three hundred (300) feet of the project boundary, interested public agencies, and anyone who has previously requested notification pursuant to this Code. The purpose of the survey is to obtain evidence concerning public access on the project site. The survey shall include inquiries related to frequency of use, the year the use started, whether or not the area was posted or the user asked permission of the property owner, and if other members of the general public were observed using the access. The Department shall conduct the survey consistent with the State of California Department of Justice Attorney General Manual on implied dedication and prescriptive rights. (Former Section CZ#A315-9(A)(2); Amended by Ord. [2214](#), 6/6/00)

7.2.1.3 **Evaluation of Evidence.** Consistent with Section [312-7.2.1.4](#) and [312-7.2.1.5](#), the Department shall review all of the available evidence relevant to the public access question and present findings and recommendations to the Planning Commission. The Planning Commission shall make the actual determination as to whether there is substantial evidence of historic public use of the accessway. However, the Planning Commission may request a review of the evidence by an attorney, selected by the Board of

Supervisors, qualified to receive and evaluate evidence relevant to the public access question and make appropriate findings and recommendations to the Planning Commission. The Planning Commission shall consider the findings and recommendations prior to making a determination. (Former Section CZ#A315-9(A)(3); Amended by Ord. [2214](#), 6/6/00)

7.2.1.4 Substantial Evidence Determination of Historic Public Use Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

7.2.1.4.1 The public must have used the land for a period of five years or more as if it were public land;

7.2.1.4.2 Without asking for a receiving permission from the owner;

7.2.1.4.3 With the actual or presumed knowledge of the owner;

7.2.1.4.4 Without significant objection or bona fide attempts by the owner to prevent or halt the use, and;

7.2.1.4.5 The use must be substantial, rather than minimal, and;

7.2.1.4.6 The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

7.2.1.5 **Findings.** Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a Coastal Development Permit application, one of the following findings shall be made:

7.2.1.5.1 Substantial evidence does not warrant the conclusion that public prescriptive rights exist;

7.2.1.5.2 Substantial evidence of public prescriptive rights exist, but development will not interfere with those rights;

7.2.1.5.3 There is an unresolved controversy as to the existence of public prescriptive rights which requires denial of a Coastal Development Permit because of interference with those rights;

7.2.1.5.4 There is an unresolved controversy as to the existence of public prescriptive rights, but the applicant's dedication of a public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.

7.2.1.6 **Siting and Design Requirements.** Development shall be sited and designed in a manner which does not interfere with or diminish any public right of access which may have been established based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the access way or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required.

7.2.1.7 **Minimum Requirements.** In permits where evidence shows the possibility of such prescriptive rights, the following language shall be added as a condition;

“Nothing in this permit shall be construed to constitute a waiver of any prescriptive rights which may exist on the parcel itself or on the designated easement;”

7.2.1.8 **Appeals of the Planning Commission’s Determination.** The determination of the Planning Commission that substantial evidence does or does not exist may be appealed to the Board of Supervisors pursuant to Section [312-13](#), Appeal Procedures. (Former Section CZ#A315-9(A)(4))

7.3 REVIEW OF GEOLOGIC FAULT EVALUATION REPORT BY COUNTY GEOLOGIST

7.3.1 An application for development which requires a report or waiver prepared pursuant to the Alquist-Priolo Fault Hazard Regulations in this Code, shall not be accepted as complete unless and until there are: (Former Section CZ#A315-9(B)(1-2))

7.3.1.1 A fully executed agreement between a geologist registered in the State of California and the County to either review the report required or to prepare a request for waiver; and,

7.3.1.2 A fully executed agreement between the County and the applicant to reimburse the County for the costs incurred pursuant to the agreement specified in subparagraph 2.8.3.1.1.

7.3.2 Within thirty (30) calendar days of receiving a complete application for development located within an Alquist-Priolo special study area, the County shall cause a geologist registered in the State of California (hereinafter called County reviewing geologist) to review the geologic report required in this Code. The review shall assess the adequacy of the documentation contained in the report, and the appropriateness of the depth of study conducted in consideration of the use proposed for the project site. The County reviewing geologist shall prepare a written review which either concurs or does not concur with the scope, methodology, interpretations, conclusions, and recommendations of the geologic report. Said review shall be subject to comment and revision as may be deemed necessary by the County. (Former Section CZ#A315-9(B); Amended by Ord. [2214](#), 6/6/00)

7.3.3 Within thirty (30) calendar days after acceptance of the geologic report, the County shall forward it to the State Geologist to be placed on open file. (Former Section CZ#A315- 9(B); Amended by Ord. [2214](#), 6/6/00)

7.4 WETLAND RESTORATION PLAN PROCEDURE

7.4.1 **Purpose.** The purpose of these procedures is to provide regulations for the development, content, review, and approval of a wetland restoration plan in conjunction with required Coastal Development Permits. (Former Section CZ#A315-9(C)(1))

7.4.2 **Applicability.** These procedures shall apply to all wetland restoration which is required by the regulations of this division. (Former Section CZ#A315-9(C)(2))

7.4.3 **Submittal of Tentative Restoration Plan.** Whenever wetland restoration is required by this division, fifteen (15) copies of a Tentative Wetland Restoration Plan shall be submitted to the Department along with the

required permit application, and shall be accompanied by a fee established by the Board of Supervisors. The Department shall not accept the tentative restoration plan for review if it does not comply with the form, information, analysis, and other requirements for the content of a tentative restoration plan. (Former Section CZ#A315-9(C)(3))

7.4.4 Tentative Restoration Plan Content. The restoration plan shall include a detailed description that includes provisions for restoration to at least the minimum required standards and permanent protection of the restoration area. The restoration plan shall also include a description of how the functional capacity of the wetland or estuary will be maintained or enhanced. At a minimum, the restoration plan shall include; (Former Section CZ#A315-9(C)(4))

7.4.4.1 Resource Inventory and Wetland Impact Analysis. A complete inventory and assessment of plant, fish, and wildlife habitat values which would be affected by the dredging, diking or filling, including: (Former Section CZ#A315-9(C)(4)(a)(i-iv))

7.4.4.1.1 Any changes in plant and animal natural species diversity, abundance, and composition and an assessment of how, if at all, these affect the long-term stability of the ecosystem (i.e., natural species, diversity, abundance and composition are generally unchanged as a result of the project);

7.4.4.1.2 Any impacts to rare or endangered species or their habitat;

7.4.4.1.3 Any impacts to a species or habitat essential to the natural biological functioning of the wetland or the estuary ecosystem; and,

7.4.4.1.4 Any significant reduction to consumptive values such as fishing, hunting, clamming, or non-consumptive values such as water quality and research opportunity, values of the wetland or estuarine ecosystem.

7.4.4.2 Restoration and Management Objective Statement. (Former Section CZ#A315- 9(C)(4)(b)(i-ii))

7.4.4.2.1 A clear statement of the habitat restoration and management proposed, including their ability to compensate for the habitat damage described in the Resource Inventory and Wetland Impact Analysis in conformance with the required standards; and

7.4.4.2.2 Development of specific biological criteria for restoration site and design.

7.4.4.3 Restoration Alternatives. (Former Section CZ#A315-9(C)(4)(c)(i-iv))

7.4.4.3.1 A preliminary analysis of alternative restoration sites and designs for restoration which satisfy both the biological objectives as well as the applicable hydrologic, soils, and other engineering criteria;

7.4.4.3.2 A ranking of those restoration alternatives based upon the biological engineering feasibility and cost assessment;

7.4.4.3.3 A recommended restoration site and project design, including map(s) at no greater than 1" = 200' (one inch is equal to two hundred (200) feet) scale; and

7.4.4.3.4 A preliminary proposal for the long term management of the preferred restoration alternative.

7.4.4.4 **Tentative Restoration Schedule.** At a minimum, restoration shall occur simultaneously with project construction and be completed prior to commencement of operation of the proposed project. (Former Section CZ#A315- 9(C)(4)(d))

7.4.5 **Tentative Restoration Plan Development and Coordination with Affected Public Agencies.** The applicant shall coordinate the development of the Tentative Restoration Plan with affected local, state, and federal agencies. The Department shall aid the applicant in identifying the affected agencies and in providing County wetland policies and standards. (Former Section CZ#A315-9(C)(5))

7.4.6 **Review of Tentative Restoration Plan.** The County shall review the Tentative Restoration Plan in conjunction with the required Coastal Development Permit and with the permit application procedures which begin at Section [312-5](#), Filing Applications for Permits and Variances. (Former Section CZ#A315-9(C)(6))

7.4.7 **Content of Required Final Restoration Plan.** A Final Restoration Plan shall be prepared by the applicant based on the Hearing Officer's approved or conditionally approved tentative restoration plan. In addition, the final plan shall include all of the following: (Former Section CZ#A315-9(C)(7)(a-c))

7.4.7.1 A complete statement of the restoration objectives.

7.4.7.2 A complete description of the restoration site including a map of the project site, at a mapping scale no smaller than 1" = 200' (one inch is equal to two hundred (200) feet) scale).

7.4.7.3 A complete restoration description including scaled, detailed diagrams, and including:

7.4.7.3.1 A grading plan depicting any alterations to topography, natural land forms, and drainage channels and areas where existing fill and debris will be removed;

7.4.7.3.2 A vegetation plan including a list of plant species to be eliminated and a list of plant species to be introduced on the restoration site, and describing the methods and proposing a schedule for eliminating and establishing vegetation;

7.4.7.3.3 A clear statement of when restoration work will commence and be completed;

7.4.7.3.4 Provisions of public access, where appropriate, for public recreation, scientific, and educational use; and

7.4.7.3.5 Other measures necessary to achieve restoration objectives and to protect the restoration site from adverse impacts of adjacent development and use.

7.4.7.3.6 Provisions for mosquito and vector control.

7.4.7.4 **Provisions for Long-Term Management of the Restoration Site.** The final plan shall describe the applicant's responsibilities in assuring that the project will be successful, include monitoring and evaluation, and that the restored area is maintained consistent with the plan's restoration objectives. The Plan shall include provisions for making repairs or modifications to the restoration site necessary to meet the project

objectives. The final plan shall provide either that the restoration site shall be owned in fee by an agency or non-profit organization having among its principal purposes the conservation and management of fish and wildlife, or other habitat resources, or shall provide for dedication of an open space or conservation easement over the restoration area to such an agency or organization. (Former Section CZ#A315-9(C)(7)(d))

7.4.8 **Review and Approval of Final Restoration Plan.**

7.4.8.1 Following staff review of the final restoration plan for conformance with the approved or conditionally approved Tentative Restoration Plan, the Director shall determine if the Final Restoration Plan is in substantial conformance with the approved tentative plan. (Former Section CZ#A315-9(C)(8)(a))

7.4.8.2 Notice of Final Restoration Plan submittal shall be in accordance with the requirements of Section [312-8](#), Public Notice Procedures. (Former Section CZ#A315-9(C)(8)(b))

7.4.8.3 The Director's determination that the Final Restoration Plan is in substantial conformance with the approved tentative plan may be appealed pursuant to Section [312-13](#), Appeal Procedures. (Former Section CZ#A315-9(C)(8)(c))

7.5 **APPLICATION PROCESSING RESPONSIBILITIES FOR OTHER COUNTY DEPARTMENTS AND DESIGN REVIEW COMMITTEES**

7.5.1 Upon referral of an application for a permit or variance to a County department or to a Design Review Committee, the department or Design Review Committee receiving the referral shall participate in processing the application in the following manner: (Former Section CZ#A315-8)

7.5.1.1 **Application Check.** The County department or Design Review Committee receiving the referral shall review the application based on the department's area of expertise or the Design Review Committee's authority, and prepare a written report describing any information that should be submitted to complete the application. The department shall submit the report to the Community Development Services Department within ten (10) working days of receiving the initial referral. (Former Section CZ#A315-8(A); Amended by Ord. [2214](#), 6/6/00)

7.5.1.2 **Project Review.**

7.5.1.2.1 Upon receipt of a copy of the completed application, the department or Design Review Committee receiving the application shall review the application, and prepare recommendations that address the findings in Section [312-17](#), Required Findings. (Former Section CZ#A315-8(B); Amended by Ord. [2214](#), 6/6/00)

7.5.1.2.2 The department or Design Review Committee shall submit their written comments and recommendations to the Community Development Services Department within ten (10) working days of receiving a complete application. (Former Section CZ#A315-8(B); Amended by Ord. [2214](#), 6/6/00)

7.5.1.3 **Public Review.** County departments and Design Review Committees submitting written comments and recommendations shall respond, in writing, to any questions regarding their comments and recommendations that are received by the Community Development Services Department prior to a

scheduled public hearing. If the County department or Design Review Committee cannot prepare a written response prior to the scheduled hearing, the Community Development Services Department may request that the hearing be continued so that a response may be prepared, and shall submit an estimate of when a written response can be submitted to the Community Development Services Department. (Former Section CZ#A315-8(C); Amended by Ord. [2214](#), 6/6/00)

7.5.1.4 **Agency Attendance at Hearings.** The Community Development Services Department or Hearing Officer, may request that a representative from any specified County department attend a scheduled public hearing and be prepared to answer questions regarding their written comments and recommendations. (Former Section CZ#A315-8(D); Amended by Ord. [2214](#), 6/6/00)

7.5.1.5 **Agency Conditions.** Any conditions that were imposed in response to a recommendation from a County department shall be satisfied as required by the recommending department. Upon satisfaction of the condition, the responsible department shall certify to the Community Development Services Department that the condition has been satisfied. (Former Section CZ#A315-8(E); Amended by Ord. [2214](#), 6/6/00)

312-8 Public Notice Procedures

8.1 NOTICE OF APPLICATION SUBMITTAL

Notice of application for a development permit where a public hearing may be waived, and which will be decided administratively by the Zoning Administrator or the Director, shall be given as follows: (Former Section INL#317-40.4(a); CZ#A315-10(A); Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

8.1.1 Notice shall be provided at least ten (10) working days prior to the date the Hearing Officer will act on the application. (Former Section INL#317-40.4(a)(1); CZ#A315-10(A)(1); Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

8.1.2 Notice shall be provided by first class mail to:

8.1.2.1 The applicant; (Former Section INL#317-40.4(a)(2)(A); CZ#A315-10(A)(2)(a))

8.1.2.2 All property owners, as indicated on the Assessor's current Secured records, and residents, based on registered addresses in the Department, within three hundred (300) feet of the perimeter of the parcel on which the development is proposed; (Former Section INL#317-40.4(a)(2)(B); CZ#A315-10(A)(2)(b))

8.1.2.3 All persons who have requested to be on the mailing list for that development project; and (Former Section INL#317-40.4(a)(2)(C); CZ#A315-10(A)(2)(c))

8.1.2.4 For development proposed within the Coastal Zone: (Former Section CZ#A315- 10(A)(2)(d)(i-ii))

8.1.2.4.1 All persons who have requested to be on the mailing list for development located in the Coastal Zone; and

8.1.2.4.2 The Coastal Commission.

8.2 CONTENT OF THE NOTICE OF APPLICATION SUBMITTAL

The Notice of Application Submittal shall include: (Former Section INL#317-40.4(b)(1-4); CZ#A315- 10(B)(1-4); Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

8.2.1 The name of the applicant and the date of filing of the application; and

8.2.2 The file number assigned to the application;

8.2.3 A description of the proposed development, including the location. If located in the Coastal Zone, the application shall so state;

8.2.4 The following statement, in bold letters;

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

(Former Section INL#317-40.4(b)(4); CZ#A315-10(B)(4); Amended by Ord. [2214](#), 6/6/00)

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

(Former Section INL#317-40.4(b)(4); CZ#A315-10(B)(4); Amended by Ord. [2214](#), 6/6/00)

The Board of Supervisors will not hear appeals of the Planning Commission’s or Zoning Administrator’s decision if said appellant has not given written or oral testimony at the Planning Commission or the Zoning Administrator’s hearing level. (From Hearing Policy adopted by the Humboldt County Board of Supervisors, 6/16/81; Added by Ord. [2214](#), 6/6/00)

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

(Former Section INL#317-40.4(b)(5); CZ#A315-10(B)(5); Added by Ord. [1726](#), Sec. 4, 3/4/86)

8.3 NOTICE OF PUBLIC HEARING

Notice of a public hearing for a development permit or variance shall be given as required by Section [65091](#) of the California Government Code, and as follows: (Former Section CZ#A315- 11(A); Amended by Ord. [2214](#), 6/6/00)

8.3.1 Notice shall be mailed, posted, published or otherwise provided at least ten (10) working days prior to the public hearing on the development. (See Government Code Section [65090](#) and following.) (Former Section INL#317-23, 317-33; CZ#A315-11(A)(1); Ord. [946](#), Sec. 4, 10/2/73; Ord. [1251](#), Sec. 2, Sec. 3, 8/15/78; Amended by Ord. [2214](#), 6/6/00)

8.3.2 Notice shall be provided in the following manner:

8.3.2.1 Notice shall be published in a newspaper of general circulation in the County; (Former Section CZ#A315-11(A)(2)(a))

8.3.2.2 Notice by first class mail to:

8.3.2.2.1 The Applicant; (Former Section CZ#A315-11(A)(2)(b)(i))

8.3.2.2.2 All property owners as indicated on the latest secured Assessor's records, within three hundred (300) feet of the perimeter of the parcel on which the development is proposed; (Former Section INL#317-23, 317-33; CZ#A315- 11(A)(2)(b)(ii); Ord. [946](#), Sec. 4, 10/2/73; Ord. [1251](#), Sec. 2, Sec. 3, 8/15/78)

8.3.2.2.3 All residents based on registered addresses in the Department, within three hundred (300) feet of the perimeter of the parcel on which the development is proposed; (Former Section CZ#A315-11(A)(2)(b)(iii))

8.3.2.2.4 All persons who have requested to be on the mailing list for that development project; and (Former Section CZ#A315-11(A)(2)(b)(iv))

8.3.2.2.5 For development proposed in the Coastal Zone: the California Coastal Commission and all persons who have requested to be on the mailing list for development located in the Coastal Zone. (Former Section CZ#A315-11(A)(2)(b)(v))

8.4 CONTENT OF A PUBLIC HEARING NOTICE

Notice of a Public Hearing shall include: (Former Section INL#317-23, 317-33; CZ#A315-11(B)(1- 8); Ord. [519](#), Sec. 752, 5/11/65; Amended by Ord. [1251](#), Sec. 4, 8/15/78; Amended by Ord. [1889](#), Sec. 3, 3/6/90)

8.4.1 The name of the applicant and the date of filing of the application;

8.4.2 The file number assigned to the application;

8.4.3 A description of the proposed development including its location;

8.4.4 The date, time, and place of the hearing;

8.4.5 A brief description of the Hearing Officer's hearing process and procedure for submitting public comment; and

8.4.6 The procedure for appeal of the Hearing Officer's decision;

8.4.7 For development located on the Coastal Zone, a statement that the proposed development is within the Coastal Zone.

8.4.8 The following statement, in bold letters;

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

(Former Section INL#317-40.4(b)(4); CZ#A315-11(B)(8); Amended by Ord. [2214](#), 6/6/00)

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

(From Hearing Policy adopted by the Humboldt County Board of Supervisors, 6/16/81; Added by Ord. [2214](#), 6/6/00)

8.5 REQUESTS FOR NOTIFICATION

8.5.1 For the purpose of this Chapter, any person who requests to be on a mailing list for a certain development or for developments located in the Coastal Zone shall submit such request in writing to the Department. (Former Section INL#317-40.4; CZ#A315-12; Amended by Ord. [2214](#), 6/6/00)

8.5.2 The County may impose a reasonable fee, in an amount established by the Board of Supervisors, for the purpose of recovering the costs of such requested notification. (Former Section INL#317-40.4; CZ#A315-12) (Ord. 2717, § 2, 6/27/2023)

312-9 Public Hearing Requirements and Authorized Hearing Officer

9.1 PUBLIC HEARINGS REQUIRED UNLESS WAIVED

Public Hearings are required for all special permits, conditional use permits, planned unit development permits, coastal development permits, variances, and exceptions, unless waived pursuant to these regulations. The following table, “Public Hearing Requirements and Authorized Hearing Officer,” specifies the Hearing Officer who is authorized to approve, approve with conditions, or deny applications for permits or variances. The table also indicates when the Public Hearing requirement may be waived by the Hearing Officer. (Former Section CZ#A315-5)

9.2 PUBLIC HEARING MAY BE WAIVED

A public hearing may be waived, as indicated in the table, “Public Hearing Requirements and Authorized Hearing Officer,” upon making all of the following findings: (Former Section INL#317-40.3; CZ#A315-5; Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

9.2.1 The permit application, in the Hearing Officer’s opinion, qualifies for approval; and (Former Section INL#317-40.3(1); CZ#A315-5(A); Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

9.2.2 The permit application is not being processed in conjunction with an application that requires a public hearing; and (Former Section INL#317-40.3(2); CZ#A315-5(B); Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

9.2.3 A written request for a public hearing has not been received by the Department prior to the Hearing Officer’s administrative action. (Former Section INL#317-40.3(3); CZ#A315-5(C); Ord. [1726](#), Sec. 4, 3/4/86)

9.2.4

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER ***				
Application Type	May Be Waived¹	Director²	Zoning Administrator²	Planning Commission
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission			O	O
Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section 312-9.2.5	W			
Coastal Development Permits that are not appealable to the California Coastal Commission	W	O		
Planned Unit Development Permits			O	O

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

“W” indicates that the Public Hearing may be waived.

“O” identifies the Authorized Hearing Officer.

1 Subject to making all required findings of Section [312-9.2](#).

2 The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section [312-1.2.5](#).

(Former Section INL#317-40.3(3); CZ#A315-5(C); Ord. [1726](#), Sec. 4, 3/4/86, Amended by Ord. [2167](#), Sec. 18, 4/7/98, Amended by Ord. [2367A](#), 7/25/06)

9.2.5 The Hearing Officer may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission only if both of the following occur: (Added by Ord. 2367A, 7/25/06)

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

9.2.5.2 No request for a public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to section [9.2.5.1](#).

9.2.6 Accessory dwelling units (ADUs) do not require a public hearing consistent with the applicable provisions of California Government Code Section [65852.2](#). (Ord. 2367A, 7/25/2006; Ord. 2717, § 3, 6/27/2023; Ord. 2734, § 5, 3/5/2024)

312-10 Rights Attached to Permits and Variances

10.1 EFFECT OF PERMIT OR VARIANCE

The issuance of a permit authorizes the property owner to undertake the proposed development immediately upon the effective date of the permit subject to all conditions or restrictions imposed by the Hearing Officer; provided, however, that all other permits, licenses, certificates and other grants of approval to which the proposed development project is subject must be secured before the development may be commenced. (Former Section CZ#A315-19(A))

10.2 EFFECTIVE DATE OF PERMIT OR VARIANCE

10.2.1 The Planning Director’s action on administrative permits shall be effective immediately. Administrative permits shall not be appealable.

10.2.2 Except as specified below the Hearing Officer’s decision on an application shall become effective after the ten (10) working day appeal period unless an appeal is filed in accordance with Section [312-13](#), Appeal Procedures. For development permits involving projects which are appealable to the Coastal Commission, the effective date shall coincide with the close of the Coastal Commission’s ten (10) working day appeal period, unless either of the following occurs: (Former Section CZ#A315-19(B); Amended by Ord. [2214](#), 6/6/00)

10.2.2.1 An appeal is filed in accordance with Section [312-13.11](#);

10.2.2.2 The notice of final action does not meet the requirements of Section [312-6.7](#).

When either of the circumstances in subsection [10.2.2.1](#) or [10.2.2.2](#) occurs, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the Department and the applicant that the effective date of the Hearing Officer's action has been suspended.

10.3 ASSIGNMENTS OF PERMITS AND VARIANCES

Unless otherwise specified in the Zoning Ordinance or in the approved permit, a permit or variance is assignable to subsequent property owners and/or permit holder, but an assignment does not discharge any conditions or obligations of the permit or variance. In order for the permit to be transferred, the permit holder must sign a form transferring the permit to the subsequent permit holder. (Former Section CZ#A315- 19(C); Amended by Ord. [2214](#), 6/6/00)

10.4 RIGHTS ATTACHED TO PERMITS AND VARIANCES

A change in this ordinance or other applicable ordinance that becomes effective after a permit or variance has been issued shall not apply to the right of the person to whom the permit was issued to complete development in accordance with the permit unless the permit has expired. (See also, Chapter 1, Section [311-11](#), Completion of Existing Buildings When the Regulations Change, which requires that work be commenced within 120 days of permit issuance.) (Former Section CZ#A315-19(D); Amended by Ord. [2214](#), 6/6/00)

10.5 EXPIRATION OF DEVELOPMENT PERMITS AND VARIANCES

A development permit or variance shall expire and become null and void at the time specified in such permit, or if no time is specified, at the expiration of one (1) year after all applicable appeal periods have lapsed; except where construction or use in reliance on such permit or variance has commenced prior to its expiration; provided, however, that the period within which such construction or use must be commenced may be extended as provided by Section [312-11](#), Minor Deviations, Modifications and Extensions. (See also, Chapter 1, Section [311- 11](#), Completion of Existing Buildings When the Regulations Change, which requires that work be commenced within 120 days of permit issuance.) (Former Section INL#317-27, 317-37, 317-40.8; CZ#A315-23; Ord. [946](#), Sec. 4, 10/2/73; Amended by Ord. [2214](#), 6/6/00)

10.6 RENEWAL OF DEVELOPMENT PERMITS AND VARIANCES

Where specifically allowed by the Zoning Ordinance, development permits may be renewed consistent with the provisions of the Zoning Ordinance. (Ord. 2734, § 6, 3/5/2024)

312-11 Minor Deviations, Modifications and Extensions

11.1 MINOR DEVIATION FROM THE PLOT PLAN

11.1.1 **Definition of Minor Deviation.** A minor deviation from a plot plan includes one (1) or more of the following:

11.1.1.1 An increase or decrease of less than 10 percent of the gross area of any yard, open space, working area or parking area; (Former Section CZ#A315-20(A)(1))

11.1.1.2 An increase or decrease of less than 10 percent of the size of any building or structure, or the total land area covered by any building or structure; (Former Section CZ#A315-20(A)(2))

11.1.1.3 An increase or decrease of less than 10 percent of the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area; or (Former Section CZ#A315-20(A)(3); Amended by Ord. [1875](#), Sec. 6, 9/26/89)

11.1.1.4 In the case of development permits, an increase in the number of buildings or structures shown on the plot plan so as not to increase by more than 10 percent the total land area covered by all buildings and structures. (Former Section CZ#A315-20(A)(4))

11.1.2 **Intent.** This section provides for situations where it is necessary to deviate from a plan in a minor way which is consistent with the purpose and intent of the related variance or development permit. The intent of this section is to provide for flexibility in the operation of variances and development permits by permitting these minor deviations to be administratively granted by the Director. It is not the intent of this section to permit deviations from plot plans which violate the intent and purpose of the related variance or development permit or any of its conditions, or to allow any action for which a variance or development permit would be required by the Zoning Regulations. The Director may authorize a minor deviation from the plot plan. (Former Section CZ#A315-20(B))

11.1.3 **Application Form, Filing and Fee.** Application for a minor deviation from a plot plan shall be made on the form prescribed by the Director, and shall be filed with the Department. The fee prescribed by resolution of the Board of Supervisors shall be paid when application is made. (Former Section CZ#A315-20(C))

11.1.4 **Required Findings.** A minor deviation from a plot plan may be granted by the Director only after finding that: (Former Section CZ#A315-20(D); Amended by Ord. [2214](#), 6/6/00)

11.1.4.1 The deviation does not constitute a substantial change in the variance or development; and (Former Section CZ#A315-20(D)(1))

11.1.4.2 The deviation will not adversely affect adjacent property or property owners; and (Former Section CZ#A315-20(D)(2))

11.1.4.3 The deviation does not affect the conformity of the plot plan with permit conditions; and (Former Section CZ#A315-20(D)(3))

11.1.4.4 The deviation will not alter the findings made when the original permit or variance was approved. (Former Section CZ#A315-20(D)(4))

11.1.5 **Decision is Final.** The Director's decision shall be final and not appealable; provided, however, that the denial by the Director of a request for a minor deviation shall not prevent the applicant from applying for a new or modified variance or development permit. (Former Section CZ#A315-20(E); Amended by Ord. [2214](#), 6/6/00)

11.2 APPLICATION FOR MODIFICATION OF A DEVELOPMENT PERMIT OR VARIANCE

Any person holding a development permit or variance may apply for a modification by complying with Section [312-5](#), Filing Applications for Permits and Variances, and the following. For the purposes of this section, the modification of a development permit or variance may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed by the permit or this Code. Section [312-17](#), Required Findings, as applicable, shall apply to the disposition of an application for modification of a development permit or variance. (Former Section CZ#A315-21; Amended by Ord. [2214](#), 6/6/00)

11.3 EXTENSION OF A PERMIT OR VARIANCE

11.3.1 The period within which construction or use in reliance on a development permit or variance must begin may be extended by order of the Hearing Officer, at any time within sixty (60) working days prior to the expiration date, as originally established. An application for such an extension shall be made on the prescribed form and filed with the Department. Such application extends the expiration date until final action is taken by the Hearing Officer. The fee established by the Board of Supervisors for an extension shall be paid at the time of application. (Former Section CZ#A315-24(A); Amended by Ord. [2214](#), 6/6/00)

11.3.2 Any number of extensions may be granted, but each extension shall be for no more than a total of two (2) years. Extensions may be granted by the Hearing Officer if the following findings are made: (Former Section INL#317-37, 317-40.8; CZ#A315-24(B)(1-2); Ord. [946](#), Sec. 4, 10/2/73; Ord. [1726](#), Sec. 4, 3/4/86)

11.3.2.1 The development has not changed from that for which the permit or variance was granted; and

11.3.2.2 The findings made when the permit or variance was granted can still be made.

312-12 Reapplication Limitations

12.1 REAPPLICATION IF APPLICATION IS DENIED

No application shall be accepted nor acted upon, if within the preceding twelve (12) months, an application has been denied by the Hearing Officer or the Board of Supervisors, which application involves substantially the same real property, and which requests approval of substantially the same project, unless either the Hearing Officer or the Board of Supervisors permits such reapplication because of an express finding that one (1) or more of the following situations applies: (Former Section INL#317-11, 317-28, 317-38, 317-40.9; CZ#A315-22; Ord. [894](#), Sec. 1, Sec. 2, Sec. 4, 12/19/72; Ord. [1726](#), Sec. 4, 3/4/86)

12.1.1 New evidence material to a revised decision is presented which was unavailable or unknown to the applicant at the time of the previous decision and which could not have been discovered by the exercise of reasonable diligence by the applicant; (Former Section CZ#A315-22(A))

12.1.2 Subsequent to the previous decision there has been a substantial and permanent change of relevant circumstances which materially affects the real property involved; or (Former Section CZ#A315-22(B); Amended by Ord. [2214](#), 6/6/00)

12.1.3 The previous decision was based in whole or in part upon a mistake which was a material factor in the denial of the previous application. (Former Section CZ#A315- 22(C))

312-13 Appeal Procedures

13.1 APPEALS TO THE BOARD OF SUPERVISORS

Except as otherwise stated in this Code, any person, as defined in this Code, aggrieved by an action taken by the Hearing Officer on any completed application, may appeal such action to the Board of Supervisors by filing a notice of appeal with the Department within ten (10) working days of said action. Appeals on Coastal Development Permits for subdivisions shall be filed within 10 calendar days of the decision of the Hearing Officer. Upon receipt of the notice of appeal, the Department shall transmit to the Clerk of the Board a copy of the notice of appeal. An appeal fee as set by resolution of the Board of Supervisors shall be paid when the appeal is filed. This section does not apply to a rezoning or an amendment to this division. (Note: For subdivision appeals see Subdivision Regulations.) (Former Section INL#317-51; CZ#A315-26(A); Ord. [946](#), Sec. 4, 10/2/73; Amended by Ord. [1206](#), Sec. 2, 3/21/73; Amended by Ord. [1351](#), Sec. 1, 8/28/79; Amended by Ord. [1889](#), Sec. 1, 3/6/90; Amended by Ord. [2214](#), 6/6/00)

13.2 GROUNDS FOR APPEAL

The Department shall provide a standard form on which the appellant shall state specifically why the decision of the Hearing Officer is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Hearing Officer. (Former Section CZ#A315-26(B))

13.3 EFFECT OF FILING AN APPEAL

A timely appeal and action shall stay the proceedings and the effective date of the action of the Hearing Officer, until the appeal has been acted upon or withdrawn. (Former Section CZ#A315- 26(C))

13.4 PROCESSING AN APPEAL

Prior to the appeal hearing, the Department shall transmit to the Board of Supervisors, and to the Planning Commission if necessary, copies of the permit application including all maps and data and a report from the Department setting forth the reasons for the Hearing Officer's action and the Department staff's recommendation. (Former Section INL#317-51; CZ#A315-26(D); Ord. [946](#), Sec. 4, 10/2/73; Amended by Ord. [1206](#), Sec. 2, 3/21/73; Amended by Ord. [1351](#), Sec. 1, 8/28/79; Amended by Ord. [1889](#), Sec. 1, 3/6/90; Amended by Ord. [2214](#), 6/6/00)

13.5 HEARING REQUIRED

The first hearing before the Planning Commission or Board of Supervisors to consider the appeal shall begin within thirty (30) working days after the date of filing the appeal. (Former Section INL#317-52; CZ#A315-26(E); Added by Ord. [1351](#), Sec. 2, 8/28/79; Amended by Ord. [1889](#), Sec. 2, 3/6/90; Amended by Ord. [2214](#), 6/6/00)

13.6 NOTICE OF PUBLIC HEARING

Notice of the time and place of the public hearing shall be given in the manner prescribed in Section [312-8](#), Public Notice Procedures. (Former Section INL#317-53; CZ#A315-26(F); Ord. [519](#), Sec. 752, 5/11/65; Amended by Ord. [1251](#), Sec. 4, 8/15/78; Amended by Ord. [1889](#), Sec. 3, 3/6/90)

13.7 DECISION AND NOTICE

After the appeal hearing before the Board of Supervisors, the Board may sustain the action which is being appealed, grant or modify the application subject to specified conditions, or it may deny the application. The Board shall adopt findings, which specify the facts relied upon in deciding the appeal. The findings shall state the reasons for any conditions imposed by the Board. Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted by the Hearing Officer shall be given in accordance with subsection [312-6.7](#), Notice of Final Action. (Former Section CZ#A315-26(G); Amended by Ord. [2214](#), 6/6/00)

13.8 FINALITY AND EFFECTIVE DATE

The decision of the Board of Supervisors to sustain or deny an appeal is final, unless the decision is appealable to the Coastal Commission. (Former Section INL#317-55; CZ#A315-26(H); Ord. [519](#), Sec. 754, 5/11/65)

13.9 IF NO DECISION REACHED

Failure of the Board of Supervisors to render its decision on the matter within thirty-five (35) working days of the conclusion of the hearing shall be deemed to be a denial of the appeal and an affirmation of the action of the Hearing Officer. (Former Section INL#317-54; CZ#A315-26(I); Ord. [1007](#), Sec. 1, 12/10/74; Amended by Ord. [2214](#), 6/6/00)

13.10 RIGHT TO DECIDE ALL MATTERS

The Board of Supervisors hereby reserves the right to hear and decide all appealable matters, decisions and actions taken under the authority of the Zoning Code of the County of Humboldt. Within the time prescribed for filing appeals in this Code, the Board of Supervisors by its own motion may decide to review and make a final decision on any action or decision of the Hearing Officer. (Former Section INL#317-51.5; CZ#A315-26(J); Added by Ord. [1351](#), Sec. 2, 8/28/79; Amended by Ord. [1889](#), Sec. 2, 3/6/90; Amended by Ord. [2214](#), 6/6/00)

13.11 MAJOR VEGETATION REMOVAL: APPEAL OF THE DIRECTOR'S DETERMINATION

13.11.1 Where the Director has determined that a proposal to remove woody vegetation constitutes major vegetation removal, and where the individual proposing the major vegetation removal believes that the removal of the vegetation will not result in a significant environmental impact, the applicant may request the Planning Commission to review the Director's determination. The Planning Commission shall hear the matter de novo, and make a determination as to whether or not the proposed major vegetation removal may result in a significant

environmental impact. The Planning Commission shall make its determination using the same criteria as the Director, which criteria is set forth in Chapter 3, Section 313-60.4.3. (Former Section CZ#A314-20(E))

13.11.2 The request for Planning Commission review shall be made in writing to the Planning Division within ten (10) working days of the date of the Director's determination and accompanied by a fee as established by the Board of Supervisors. Information supporting the belief that the proposed major removal of vegetation will not result in a significant environmental impact shall also be submitted by the individual proposing the major vegetation removal at the time the request for review is made. (Former Section CZ#A314-20(E))

13.11.3 An appeal from a determination of the Planning Commission may be made to the Board of Supervisors pursuant to the Appeal Procedures in this Section [312-13](#). (Former Section CZ#A314-20(E))

13.12 APPEALS TO THE COASTAL COMMISSION

Notwithstanding any other provisions of the certified Local Coastal Program, an appeal of a decision to approve a Coastal Development Permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Coastal Commission. The appeal must comply with the requirements specified by 14 Cal. Code of Regulations Section [13111](#), and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final action on the Coastal Development Permit.

An action taken on a Coastal Development Permit may be appealed to the Coastal Commission for only the following types of developments:

13.12.1 Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

13.12.2 Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;

13.12.3 Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;

13.12.4 Any development which constitutes a major public works project or major energy facility;

13.12.5 Developments approved not included within paragraphs (1) or (2) that are located in a sensitive coastal resource area.

13.13 GROUNDS FOR APPEAL TO THE COASTAL COMMISSION

The grounds for an appeal pursuant to Section [13.12.1](#) through [13.12.5](#) shall be limited to an allegation that the development does not conform to the Certified Local Coastal Program and the public access policies set forth in the Coastal Act.

The grounds for an appeal of a denial of a permit pursuant to section [13.12.4](#) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal act.

An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body in person or in writing; except that exhaustion of all local appeals shall not be required if any of the following occur:

13.13.1 The County required an appellant to appeal to more local appellate bodies for permits in the Coastal Zone than were required in the implementation sections of the Local Coastal Program;

13.13.2 An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;

13.13.3 An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this division;

13.13.4 The County charges an appeal fee for the filing or processing of appeal.

13.13.5 Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals.

312-14 Suspension and Revocation Procedures

14.1 SUSPENSION

A development permit may be suspended by the Planning Director immediately, without prior notice or hearing, subject to the following provisions:

14.1.1 **Grounds for Suspension.** The Planning Director may suspend a development permit if the permit was issued in error, or to stop any activity that violates any requirement or condition of the permit, Zoning Ordinance, or Humboldt County Code.

14.1.2 **Cost Recovery.** For confirmed violations, the County cost dedicated to inspection and resolution shall be borne by the permittee.

14.1.3 **Notice of Suspension.** The Planning Director shall provide written notice of the suspension to the property owner and permit holder identifying all the following:

14.1.3.1 The violation of the permit and/or Zoning Ordinance;

14.1.3.2 The duration of the suspension, including the effective date;

14.1.3.3 The steps the property owner and permit holder must take to remedy the violation and reactivate the permit; and

14.1.3.4 Appeal procedures.

14.1.4 **Effect of Suspension.** For the duration of suspension, the property owner and permit holder shall cease all activity allowed by the permit.

14.1.5 **Right to Appeal.** The action of the Planning Director to suspend a development permit may be appealed to the Board of Supervisors, pursuant to Section [312-13](#) (Appeal Procedures).

14.1.6 **Reactivation of a Suspended Permit.** The permit suspension shall end and the permit shall be reactivated by the Planning Director after making written findings based on substantial evidence that all violations of the permit and/or Zoning Ordinance have been corrected.

14.1.7 **Time Limit for Suspension.** The permit may not be suspended for a period exceeding six (6) months. If the violations are not resolved within that period of time, the permit shall be scheduled for a revocation hearing with the Board of Supervisors.

14.2 REVOCATION

14.2.1 **Grounds for Revocation.** A development permit or variance may be revoked or modified by the Board of Supervisors after a Public Hearing, upon finding that: (Former Section INL#317-42; CZ#A315-25(A); Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

14.2.1.1 The permit or variance was obtained or extended by fraud, material omissions or misstatements of fact. (Former Section INL#317-42(a); CZ#A315-25(A)(1))

14.2.1.2 The permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, Code section, law or regulation. (Former Section INL#317-42(c); CZ#A315-25(A)(2); Amended by Ord. [2214](#), 6/6/00)

14.2.1.3 The use for which the permit or variance was granted is so conducted as to be a nuisance. (Former Section INL#317-42(d); CZ#A315-25(A)(3); Ord. [894](#), Sec. 6, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86)

14.2.1.4 The use for which such permit or variance was granted has ceased to exist or has been suspended for one (1) year or more. (Former Section INL#317-42(b); Amended by Ord. [2214](#), 6/6/00)

14.2.2 **Cost Recovery.** The County cost associated with a permit that is scheduled for a revocation hearing by the Board of Supervisors shall be borne by the permit holder.

14.2.3 **Proceedings.** Proceedings to revoke a development permit or variance may be initiated by the Board of Supervisors, Planning Commission, or the Planning division of the Planning and Building Department. (Former Section INL#317-41; CZ#A315-25(B); Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

14.2.4 **Revocation Hearing.** Any proceeding to revoke a development permit or variance shall be before the Board of Supervisors. The property owner or permit applicant shall have an opportunity to show cause why the permit or variance should not be revoked. (Former Section INL#317-41; CZ#A315-25(C); Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

14.2.5 **Notice of Intention to Revoke.** The Department shall give notice to the holder of a development permit or variance of its intention to revoke such development permit or variance. Notice need be given only to the holder of the development permit or variance, and any other person who has requested such notice. (Former Section INL#317-41; Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

14.2.6 **Notice of Revocation Hearing.** Notice of a Revocation Hearing shall be given not less than ten (10) working days prior to the date of the Hearing by either personal service of a copy of said notice on the holder of the development permit or variance, or by sending a copy of the notice by certified or registered mail, return receipt requested, to said holder at the address given on the application. The notice shall include the information required by Section [312-8.2](#) and shall state the reason or reasons why action is being taken for revocation of the permit or variance. (Former Section INL#317-41; Ord. [894](#), Sec. 5, 12/19/72; Amended by Ord. [1726](#), Sec. 5, 3/4/86; Amended by Ord. [2214](#), 6/6/00) (Ord. 2734, § 7, 3/5/2024)

312-15 Waiver of Procedures for Emergencies

15.1 APPLICABILITY

The procedural requirements of this Chapter may be waived by the Director to permit development in an emergency. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services." (Former Section CZ#A315-27(A))

15.2 PETITIONS FOR WAIVER OF PROCEDURES

15.2.1 A petition for waiver of the procedural requirements for necessary emergency work shall be petitioned for by letter to the Department or, if time does not allow, by phone or in person. The following information shall, when feasible to do so, be provided with the petition: (Former Section CZ#A315-27(B)(1-3))

15.2.1.1 The location, nature and cause of the emergency;

15.2.1.2 The remedial, protective or preventive work required to deal with the emergency; and

15.2.1.3 The circumstances during the emergency that appear to justify the waiver of procedural requirements, including the probable consequences of failing to take immediate corrective action.

15.3 PROCEEDINGS FOR WAIVER OF PROCEDURES

15.3.1 The Department shall verify the existence and nature of the emergency and, insofar as time allows, the facts relied upon by the petitioner. (Former Section CZ#A315-27(C)(1))

15.3.2 The Department shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency. (Former Section CZ#A315-27(C)(2))

15.3.3 Upon issuance of an emergency Coastal Development Permit, the Department shall inform the Coastal Commission, in writing, of the nature of the emergency and the work involved, and shall provide copies of this report to any person requesting a copy. (Former Section CZ#A315-27(C)(3))

15.4 CRITERIA FOR WAIVER OF PROCEDURES

The normal procedural requirements for obtaining a development permit or variance, as required by this Code, may be waived, and an emergency development permit or variance may be conditionally or unconditionally granted, only if the Director, or designee, makes all of the following findings: (Former Section CZ#A315-27(D); Amended by Ord. [2214](#), 6/6/00)

15.4.1 An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements; (Former Section CZ#A315-27(D)(1))

15.4.2 Public comment received on the emergency action proposed, if any, has been reviewed and considered; (Former Section CZ#A315-27(D)(2))

15.4.3 The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance. (Former Section CZ#A315- 27(D)(3))

15.4.4 The proposed work can and will likely be completed within twenty (20) working days, unless otherwise specified by the Director; and (Former Section CZ#A315-27(D)(4); Amended by Ord. [2214](#), 6/6/00)

15.4.5 For emergency development located within the Coastal Zone, the proposed work does not fall within the permit jurisdiction of the Coastal Commission pursuant to the Public Resources Code Section [30600.5](#). (Former Section CZ#A315-27(D)(5))

15.5 STANDARD PERMIT OR VARIANCE REQUIRED

Following the issuance of an emergency development permit or variance, application shall be made for the required development permit or variance in accordance with Section [312-5](#), Filing Applications for Permits and Variances, and other applicable provisions of this Code.

312-16 De Minimis Waivers from Coastal Development Permit Requirements

16.1 APPLICABILITY

The procedural requirements for Coastal Development Permits in this Chapter may be waived by the Director to simplify the review of projects that involve no potential for any adverse effects, either individually or cumulatively,

on coastal resources and that are consistent with the certified LCP. (Ord. 2167, § 37, 4/7/1998; Ord. 2367A, 7/25/2006)

16.2 CRITERIA FOR WAIVER OF PROCEDURES

The procedural requirements of this Chapter may be waived by the Director to allow the following development:

16.2.1 Construction of retaining walls less than four (4) feet in height with a maximum surface area of 100 square feet,

16.2.2 Demolition of non-historic structures,

16.2.3 Placement of private test water supply wells,

16.2.4 "One for one" replacement or abandonment of minor utilities,

16.2.5 Repair and replacement work associated with underground and above-ground storage tanks,

16.2.6 Installation of monitoring wells, vadose wells, temporary well points, and vapor points, and

16.2.7 Merger of property. (Ord. 2167, § 37, 4/7/1998; Ord. 2367A, 7/25/2006)

16.3 APPLICATION FOR WAIVER OF PROCEDURES

An application for De Minimus Waiver of permit requirements shall be made on forms as required by Section [312-5](#), Filing Applications For Permits and Variances. (Ord. 2167, § 37, 4/7/1998)

16.4 PROCEEDINGS FOR WAIVER OF PROCEDURES

16.4.1 **Review.** The Department shall review all applications for De Minimus Waivers for completeness and accuracy before the applications are accepted and officially filed as complete. (Ord. 2167, § 37, 4/7/1998)

16.4.2 Public Notice.

16.4.2.1 Within five (5) working days of the date the application was submitted, the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development. The public notice must state that an application for waiver of permit requirement for the proposed development has been submitted to the County using standardized forms provided by the Department. (Ord. 2167, § 37, 4/7/1998; Ord. 2214, 6/6/2000)

16.4.2.2 The notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form throughout the waiver process, the Director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. The County shall revoke the waiver authorization if it determines that the waiver was granted without proper notice having been given and that the waiver would not have been issued and/or become effective if the views of the person(s) not notified had been made known to the Director or the Board of Supervisors. (Ord. 2167, § 37, 4/7/1998)

16.4.3 Notice of Intent to Issue a De Minimus Waiver. A Notice Of Intent To Issue A De Minimus Waiver shall be provided to the Coastal Commission and to persons known to be interested in the proposed development in the following manner:

After an application is accepted as complete and at least ten (10) working days prior to the decision on the application, the Director shall provide notice, by first class mail, of pending waiver of permit requirements. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site, to all property owners and residents within three hundred (300) feet of the perimeters of the parcel on which the development is proposed, to all Planning Commission members, all members of the Board of Supervisors, referral agencies, and to the Coastal Commission. The Notice shall also be posted for public inspection at the Department. (Ord. 2167, § 37, 4/7/1998; Ord. 2214, 6/6/2000)

16.4.4 Contents of Notice of Intent to Issue a De Minimus Waiver. The Notice Of Intent To Issue A De Minimus Waiver shall contain the following information: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.4.1 A description of the proposed project and location; (Ord. 2167, § 37, 4/7/1998)

16.4.4.2 A statement that the development is within the Coastal Zone; (Ord. 2167, § 37, 4/7/1998)

16.4.4.3 The date of filing of the application and the name of the applicant; (Ord. 2167, § 37, 4/7/1998)

16.4.4.4 The case number assigned to the application; (Ord. 2167, § 37, 4/7/1998)

16.4.4.5 The date of the hearing at which the waiver may become effective; (Ord. 2167, § 37, 4/7/1998)

16.4.4.6 The general procedure concerning submission of requests for a coastal development permit or other public comments either in writing or orally prior to the decision; (Ord. 2167, § 37, 4/7/1998)

16.4.4.7 A statement that a public comment period of ten (10) working days to allow for the submission of requests for a coastal development permit or other public comments by mail will be held prior to the decision. (Ord. 2167, § 37, 4/7/1998; Ord. 2214, 6/6/2000)

16.4.5 At the time a Notice Of Intent To Issue A De Minimus Waiver is provided to the public, the Director shall also report to the referral agencies and each Planning Commission member and each member of the Board of Supervisors the project description, recommended action and findings for each project under review pursuant to this section. A copy of the report shall also be available for public inspection at the Department ten (10) working days prior to issuing the waiver. (Ord. 2167, § 37, 4/7/1998; Ord. 2214, 6/6/2000; Ord. 2367A, 7/25/2006)

16.4.6 Notice of final action on an application for a De Minimus Waiver shall be given as follows: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.4.6.1 Notice shall be provided within five (5) working days of the Director's action. (Ord. 2167, § 37, 4/7/1998; Ord. 2214, 6/6/2000)

16.4.6.2 Notice shall be provided by first class mail to:

16.4.6.2.1 The applicant;

16.4.6.2.2 Any person who specifically requested, in writing, notice of such final action; and

16.4.6.2.3 The Coastal Commission. (Ord. 2167, § 37, 4/7/1998)

16.4.6.3 The notice shall include the following information:

16.4.6.3.1 The action taken;

16.4.6.3.2 The effective date and expiration date;

16.4.6.3.3 Procedures for appeal if applicable. (Ord. 2167, § 37, 4/7/1998; Ord. 2367A, 7/25/2006)

16.4.7 For a proposed development that is de minimus as defined in Chapter 3, Section C: Index of Definitions of Language and Legal Terms of this Code, and Section 30624.7 of the Coastal Act, the Director may issue a waiver from coastal development permit requirements of this ordinance subject to all of the provisions of this section. (Ord. 2167, § 37, 4/7/1998)

16.4.8 The Director shall not issue a waiver unless the site has been posted, and until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Department. If any referral agency, member of the Planning Commission or California Coastal Commission, or any member of the public requests that the waiver not be issued, the applicant shall be advised that a Coastal Development Permit is required if the applicant wishes to proceed with the development. (Ord. 2167, § 37, 4/7/1998)

16.4.9 A decision on De Minimus Waivers shall not be deemed final and effective until all required findings have been made by the Director. (Ord. 2167, § 37, 4/7/1998)

16.5 FINDINGS

De Minimus Waivers may only be issued for development that meets all of the following criteria: (Added by Ord. 2167, Sec. 37, 4/7/98)

16.5.1 The proposed development is in conformance with the Certified LCP; (Ord. 2167, § 37, 4/7/1998; Ord. 2367A, 7/25/2006)

16.5.2 The proposed development is consistent with the purposes of the existing zone in which the site is located; (Ord. 2167, § 37, 4/7/1998)

16.5.3 The proposed development conforms with all applicable standards and requirements of these regulations; (Ord. 2167, § 37, 4/7/1998)

16.5.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; (Ord. 2167, § 37, 4/7/1998)

16.5.5 The proposed development involves no potential for any adverse effects, either individually or cumulatively, on coastal resources because for reasons including but not limited to, the following: (Added by Ord. 2167, Sec. 37, 4/7/98, Amended by Ord. 2367A, 7/25/06)

16.5.5.1 The project does not involve the presence of mechanized equipment or construction materials within fifty (50) feet of an environmentally sensitive habitat area, or any sand area; or within fifty (50) feet of coastal waters or streams, (Ord. 2167, § 37, 4/7/1998)

16.5.5.2 Within designated coastal view and coastal scenic areas, the project has no potential to impair visual resources, (Ord. 2167, § 37, 4/7/1998)

16.5.5.3 There is no potential for the project to block or otherwise impede the public right of access to the coast where acquired through use or by legislative authorization, and, (Ord. 2167, § 37, 4/7/1998)

16.5.5.4 The project does not require any other discretionary permits; (Ord. 2167, § 37, 4/7/1998; Ord. 2214, 6/6/2000)

16.5.5.5 The project does not have any impact on public access to coastal resources where acquired through use, legislative authorization, easements or deed restrictions. (Ord. 2367A, 7/25/2006)

16.5.6 None of the proposed work falls within an area in which the Coastal Commission retains direct permit review under Coastal Act Section 30519 or for any work that is appealable to the Coastal Commission under Coastal Act Section 30603. Any development involving a structure or similar integrated physical construction that lies partly in and partly outside the appeal area may not be processed as a De Minimus Waiver. (Ord. 2167, § 37, 4/7/1998)

16.6 DECISION ON DE MINIMUS WAIVERS IS FINAL

The Director's decision on De Minimus Waivers shall be final; provided, however, that the denial by the Director of a request for a De Minimus Waiver shall not prevent the applicant from applying for a development permit or variance. (Ord. 2167, § 37, 4/7/1998)

16.7 EXPIRATION OF DE MINIMUS WAIVERS

De Minimus Waivers shall expire and be of no further force and effect if the authorized development has not commenced within two years of the effective date of the waiver. (Ord. 2167, § 37, 4/7/1998)

312-17 Required Findings for All Permits and Variances

17.1 REQUIRED FINDINGS FOR ALL PERMITS

Unless waived by State law, the Hearing Officer may approve or conditionally approve an application for a Special Permit, Use Permit, Coastal Development Permit, or Planned Unit Development Permit only if all of the following findings, in addition to any applicable findings in Sections [312-18](#) through 312-49, Supplemental Findings, are made: (Former Section INL#317- 36, 317-40.7; CZ#A315-14; Ord. [946](#), Sec. 4, 10/2/73; Ord. [1726](#), Sec. 4, 3/4/86; Amended by Ord. [2214](#), 6/6/00)

17.1.1 The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5); (Former Section INL#317-36(c), 317-40.7(3); CZ#A315-14(A); Ord. [946](#), Sec. 4, 10/2/73; Ord. [1726](#), Sec. 4, 3/4/86)

17.1.2 The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone; (Former Section INL#317-36(a), 317- 40.7(1); CZ#A315-14(B))

17.1.3 The proposed development conforms with all applicable standards and requirements of these regulations; and (Former Section CZ#A315-14(C))

17.1.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. (Former Section INL#317-36(b), 317- 40.7(2); CZ#A315-14(D))

17.1.5 The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

17.1.5.1 The reduction is consistent with the adopted general plan, including the housing element, and

17.1.5.2 The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section [65584](#) of the Government Code, and

17.1.5.3 The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

17.2 REQUIRED FINDINGS FOR VARIANCES

The Hearing Officer may approve or conditionally approve an application for a variance only if all of the following findings are made: (See, Sections [65906](#) and [65906.5](#) of the Government Code.) (Former Section INL#317-26; CZ#A315-15)

17.2.1 That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity; (Former Section INL#317- 26(b); CZ#A315-15(A))

17.2.2 The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district; (Former Section INL#317-26(a); INL#317-26(c); CZ#A315-15(B))

17.2.3 That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and (Former Section INL#317-26(d); CZ#A315-15(C))

17.2.4 That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare. (Former Section INL#317-26(e); CZ#A315-15(D); Ord. [946](#), Sec. 4, 10/2/73)

17.2.5 In addition to the findings of this section, requests for variances in the Coastal Zone shall be approved only if the following additional finding is made:

The development for which the variance is proposed will be in conformity with the Coastal Land Use Plan. (Former Section CZ#A315-15(E))

17.2.6 **Parking Variances.** Notwithstanding subsection 65906 (Variances) of the [Government Code](#), a variance may be granted from the parking requirements of a zoning ordinance in order that some or all of the required parking spaces be located offsite, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both the following conditions are met: (From Government Code Sec. [65906.5](#); Added by Ord. [2214](#), 6/6/00)

17.2.6.1 The variance will be an incentive to, and a benefit for, the nonresidential development. (From Government Code Sec. [65906.5](#); Added by Ord. [2214](#), 6/6/00)

17.2.6.2 The variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities. (From Government Code Sec. [65906.5](#); Added by Ord. [2214](#), 6/6/00)

17.3 SUPPLEMENTAL FINDINGS

In addition to the required findings for all permits and variances, the Hearing Officer may approve or conditionally approve an application for a Special Permit, Use Permit, Coastal Development Permit, or Planned Unit Development Permit only if the supplemental findings, as applicable, are made. (See Sections [312-18](#) through 312-49)

Those findings that apply throughout the County, within and outside of the Coastal Zone, are listed in Sections [312-18](#) through 312-29 (County-Wide). Those findings that are only applicable within the County's Coastal Zone are listed in Sections [312-30](#) through 312-49 (Coastal Zone). (Former Section CZ#A315-16; Amended by Ord. [2214](#), 6/6/00) (Ord. 2629, § 3, 6/11/2019)

312-18 Supplemental County-Wide Agricultural Use Type Findings

18.1 CONDITIONALLY PERMITTED USES IN AN AE ZONE

18.1.1 The proposed use will not impair the continued agricultural use on the subject property or on adjacent lands or the economic viability of agricultural operations on the site. (Former Section CZ#A315-16(C))

312-19 Supplemental County-Wide Civic Use Type Findings

19.1 OIL AND GAS PIPELINES

19.1.1 New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, and sites required to produce the reservoir economically and with minimal environmental impacts. (Former Section CZ#A315-16(E)(2)(c))

19.2 SOLID WASTE DISPOSAL

19.2.1 The proposed solid waste disposal project conforms with the County Solid Waste Management Plan; (Former Section CZ#A315-16(E)(4)(a))

19.2.2 The proposed new site is the least environmentally damaging feasible alternative location for the project; (Former Section CZ#A315-16(E)(4)(c))

19.2.3 Projects in agricultural and timberland designations will be limited to nontoxic ash, muds and sludges that would be compatible with continued agriculture and timberland use; and (Former Section CZ#A315-16(E)(4)(d))

19.2.4 The project will meet the requirements of the Solid Waste Management Board regulations (Division 7, Title [14](#), California Code of Regulations) as applicable. (Former Section CZ#A315-16(E)(4)(e))

312-20 Supplemental County-Wide Commercial Use Type Findings

20.1 (Section Reserved for Future Use)

312-21 Supplemental County-Wide Commercial Timber Use Type Findings

21.1 USES PERMITTED WITH A CONDITIONAL OR SPECIAL PERMIT IN TC AND TPZ ZONES

21.1.1 The proposed use will not significantly detract from, or inhibit the growing and harvesting of timber on the site or on adjacent properties. (Former Section CZ#A315-16(D))

312-22 Supplemental County-Wide Extractive Use Type Findings

22.1 OIL AND GAS DRILLING AND PROCESSING

22.1.1 The development will be performed safely and consistent with the geologic conditions of the well site; (Former Section CZ#A315-16(F)(1)(a))

22.1.2 New or expanded facilities related to such development will be consolidated to the maximum extent feasible and legally permissible, except where: (Former Section CZ#A315-16(F)(1)(b))

22.1.2.1 Consolidation will have adverse environmental consequences; and (Former Section CZ#A315-16(F)(1)(b)(i))

22.1.2.2 Consolidation will not significantly reduce the number of producing wells, the number of sites required to produce the reservoir economically and with minimal environmental impact; and (Former Section CZ#A315-16(F)(1)(b)(ii))

22.1.3 The development will not cause or contribute to subsidence, or it is determined that adequate measures will be undertaken to prevent damage from subsidence; (Former Section CZ#A315-16(F)(1)(c))

22.2 SURFACE MINING

22.2.1 The prepared reclamation plan conforms with all applicable provisions of the Surface Mining and Reclamation regulations in Section 313-59 of Chapter 3 of this Code. (Former Section INL#317-39(b); CZ#A315-16(F)(2)(a); Ord. [1552](#), Sec. 2, 9/21/82)

312-23 Supplemental County-Wide Industrial Use Type Findings

23.1 HAZARDOUS INDUSTRY

23.1.1 The project includes mitigation measures sufficient to offset increased risks to adjacent human populations; or (Former Section CZ#A315-16(G)(4)(a))

23.1.2 Increased risks to adjacent human populations have been adequately mitigated by approved disaster response plans, as provided in the general plan Seismic and Public Safety elements. (Former Section CZ#A315-16(G)(4)(b))

312-24 Supplemental County-Wide Natural Resource Use Type Findings

24.1 (Section Reserved for Future Use)

312-25 Supplemental County-Wide Residential Use Type Findings

25.1 SECONDARY DWELLING UNIT

25.1.1 The secondary dwelling unit is subordinate to the principal residence and is compatible with the character of the neighborhood, . (Former Section INL#316.1-3(b), 316.1-3(c); CZ#A315-16(A)(1);)

312-26 Supplemental County-Wide Public Safety Impact Findings

26.1 ALQUIST-PRIOLO GEOLOGIC FAULT HAZARD AREAS

26.1.1 A report has been prepared and reviewed or waived pursuant to this section; and, (Former Section CZ#A315-16(H)(1)(a))

26.1.2 A project as proposed will not cause or allow a structure for human occupancy to be placed within fifty (50) feet of a trace of an active fault; and, (Former Section CZ#A315- 16(H)(1)(b))

26.1.3 The project otherwise conforms to the recommendations and conclusions of the geologic report that has been concurred with by the County reviewing geologist; and, (Former Section CZ#A315-16(H)(1)(c))

26.1.4 The project is not in conflict with any of the County reviewing geologist's final recommendations. (Former Section CZ#A315-16(H)(1)(d))

312-27 through 312-29 (Sections Reserved for Future Use)

312-30 Supplemental Coastal Zone Agricultural Use Type Findings

30.1 CONDITIONALLY PERMITTED USES IN AN AE ZONE

30.1.1 The proposed use will not impair the continued agricultural use on the subject property, or on adjacent lands, or the economic viability of agricultural operations on the site. (Former Section CZ#A315-16(C))

312-31 Supplemental Coastal Zone Civic Use Type Findings

31.1 ELECTRICAL TRANSMISSION LINES

31.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315- 16(E)(1)(a))

31.1.2 Transmission rights-of-way will be routed to minimize impacts on the views of the coast, especially in designated Coastal Scenic or Coastal View Areas, and will avoid locations which are near habitat, recreational, or archeological resources, wherever feasible; and (Former Section CZ#A315-16(E)(1)(b))

31.1.3 Above-ground transmission lines will be sited so as to minimize visual impacts where feasible. Where an above-ground transmission line must be sited in a view corridor, it will not extend along the road right-of-way for continuous extended distances. (Former Section CZ#A315-16(E)(1)(c))

31.2 OIL AND GAS PIPELINES

31.2.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(E)(2)(a))

31.2.2 The best feasible mitigations, adequate to offset significant adverse impacts, are included; (Former Section CZ#A315-16(E)(2)(b))

31.2.3 Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances will be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures will be provided for accidental spills that do occur; (Former Section CZ#A315-16(E)(2)(d))

31.2.4 The proposed pipeline will follow existing utility corridors where they are present and where feasible, and will avoid sensitive habitat areas, and archaeological sites, except that where avoidance of a sensitive habitat area or archaeological site is not feasible, effective mitigation measures will be employed to minimize adverse impacts; (Former Section CZ#A315-16(E)(2)(e))

31.2.5 Active faults or other geologically unstable areas will be avoided where feasible, or the pipeline will be designed to mitigate the potential impacts of such hazards; (Former Section CZ#A315-16(E)(2)(f))

31.2.6 If above-ground pipelines must be sited in a highly scenic area, it will be visually buffered with vegetation and other means as necessary; and (Former Section CZ#A315- 16(E)(2)(g))

31.2.7 Aboveground pipelines will not be sited in Coastal Scenic Areas as designated on the Zoning Maps. (Former Section CZ#A315-16(E)(2)(h))

31.3 WIND ELECTRICAL GENERATING FACILITIES

31.3.1 The facility will have no significant adverse impact on sensitive habitat resources. (Former Section CZ#A315-16(E)(3)(a))

31.4 SOLID WASTE DISPOSAL

31.4.1 The project will use an existing approved disposal site, except that where use of an existing site is not feasible, new projects may be located in any zone outside the urban limit line except NR and PR; (Former Section CZ#A315-16(E)(4)(b))

312-32 Supplemental Coastal Zone Commercial Use Type Findings

32.1 NEIGHBORHOOD COMMERCIAL

32.1.1 At least 50 percent of the parcels within the contiguously zoned area, where the proposed development is to be located, have been developed with dwellings; and (Former Section CZ#A315-16(B)(1)(a))

32.1.2 There is a demonstrated need for such a facility at the location proposed. (Former Section CZ#A315-16(B)(1)(b))

32.1.3 Neighborhood commercial development will be restricted to a location along minor collectors or a higher order road classification (e.g. major collectors or arterials). (Former Section CZ#A315-16(B)(1)(c)) (Ord. 2734, § 8, 3/5/2024)

312-33 Supplemental Coastal Zone Commercial Timber Use Type Findings

33.1 (Section Reserved for Future Use)

312-34 Supplemental Coastal Zone Extractive Use Type Findings

34.1 SURFACE MINING

34.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(F)(2)(b)(i))

34.1.2 Sand and gravel operations will not remove sediments essential to the maintenance of beach areas used for public recreation, or which protect upland areas planned for commercial, residential or industrial use from erosion; (Former Section CZ#A315- 16(F)(2)(b)(ii))

34.1.3 The sand and gravel projects will emphasize flood control or bank protection, if applicable; (Former Section CZ#A315-16(F)(2)(b)(iii))

34.1.4 Channelization, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible; and (Former Section CZ#A315- 16(F)(2)(b)(iv))

34.1.5 Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. (Former Section CZ#A315-16(F)(2)(b)(v))

312-35 Supplemental Coastal Zone Industrial Use Type Findings

35.1 COASTAL DEPENDENT INDUSTRY

35.1.1 The proposed use will be located on the site with the lowest numeric priority (i.e. priority 1 is the lowest), if feasible. (Former Section CZ#A315-16(G)(1)(a))

35.1.2 If proposed on a site with a Priority 3 or 4:

35.1.2.1 That the proposed use cannot feasibly be accommodated in Priority 1 or 2 sites; or (Former Section CZ#A315-16(G)(1)(b)(i))

35.1.2.2 The use of Priority 1 or 2 sites would be more environmentally damaging; and (Former Section CZ#A315-16(G)(1)(b)(ii))

35.1.2.3 To deny the project because it cannot feasibly be located in the least environmentally damaging location would adversely affect the public welfare. (Former Section CZ#A315-16(G)(1)(b)(iii))

35.2 MARINE PETROLEUM TRANSFER FACILITIES

35.2.1 Increased tanker operations and associated onshore development will be compatible with the land use, safety, and environmental policies for the area; (Former Section CZ#A315-16(G)(2)(a))

35.2.2 That existing facilities will be expanded, or that it will not be feasible or legally permissible to utilize existing facilities; (Former Section CZ#A315-16(G)(2)(b))

35.2.3 If it will not be feasible or legally permissible to expand existing facilities, then new tanker terminals located outside of existing terminal areas will be sited in a manner which avoids risk to sensitive environmental habitat areas; and (Former Section CZ#A315-16(G)(2)(c))

35.2.4 The risk of collision from movement of other vessels will be minimized. (Former Section CZ#A315-16(G)(2)(d))

35.3 DREDGE SPOILS DISPOSAL

35.3.1 Where dredge spoils disposal is proposed at the King Salmon site designated on the Resource Protection map, such disposal will mitigate erosion and protect water quality and existing uses; (Former Section CZ#A315-16(G)(3)(a))

35.3.2 Provisions for disease and vector control have been included in the project; (Former Section CZ#A315-16(G)(3)(b))

35.3.3 In the Humboldt Bay Planning Area, opportunities for island building that would be beneficial to the overall productivity of the Bay have been reviewed as an alternative disposal site; and (Former Section CZ#A315-16(G)(3)(c))

35.3.4 The project includes provisions to protect water quality. (Former Section CZ#A315- 16(G)(3)(d))

312-36 Supplemental Coastal Zone Natural Resource Use Type Findings

36.1 (Section Reserved for Future Use)

312-37 Supplemental Coastal Zone Residential Use Type Findings

37.1 (Section Reserved for Future Use)

312-38 Supplemental Coastal Zone Public Safety Impact Findings

38.1 COASTAL GEOLOGIC HAZARD

38.1.1 The development will be sited and designed to assure stability and structural integrity for the expected economic life span while minimizing alteration of natural land forms; (Former Section CZ#A315-16(H)(2)(a))

38.1.2 Development on bluffs and cliffs (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, wastewater disposal and other activities and facilities accompanying such development) will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas; and (Former Section CZ#A315-16(H)(2)(b))

38.1.3 Alteration of cliffs and bluff tops, faces, or bases by excavation or other means will be minimized. Cliff retaining walls shall be allowed only to stabilize slopes. (Former Section CZ#A315-16(H)(2)(c))

38.2 COASTAL SHORELINES

38.2.1 The structure is the least environmentally damaging feasible alternative; and (Former Section CZ#A315-16(H)(3)(1))

38.2.2 (If applicable), Beach nourishment and vegetative protection is not feasible. (Former Section CZ#A315-16(H)(3)(2))

312-39 Supplemental Coastal Resource Protection Impact Findings

39.1 ANADROMOUS FISH STREAMS

39.1.1 Minimum stream flows necessary to protect the anadromous stream population will be maintained; (Former Section CZ#A315-16(I)(1)(a))

39.1.2 Environmentally sensitive habitat areas will be protected against any significant disruption of habitat values; and (Former Section CZ#A315-16(I)(1)(b))

39.1.3 Channelizations, dams, or other substantial alterations of rivers and streams will incorporate the best mitigation measures feasible. (Former Section CZ#A315-16(I)(1)(c))

39.2 PUBLIC ACCESS

39.2.1 For Dedication of Public Access Required by the Coastal Land Use Plan:

39.2.1.1 The access way conforms with or is adequate to carry out the public access designations and development guidelines of the County's Coastal Land Use Plan. (Former Section CZ#A315-16(I)(2)(a)(i))

39.2.2 For Protection of Coastal Access ways with Substantial Evidence of Historic Public Use (except where the applicant has established that the State has disposed of any interest in the access way or that there has been a final court determination that there has been no implied dedication or prescriptive use): (Former Section CZ#A315-16(I)(2)(b))

39.2.2.1 There is substantial evidence of Historic Public Use; and (Former Section CZ#A315-16(I)(2)(b)(i))

39.2.2.2 The development has been sited or designed so as not to interfere with the use of such access way; or (Former Section CZ#A315-16(I)(2)(b)(ii))

39.2.2.3 If it is determined:

39.2.2.3.1 that use of the access way would have adverse impacts on fragile coastal resources, including but not limited to, rocky intertidal areas, seal haul-out and pupping areas, and bird rookeries; or (Former Section CZ#A315-16(I)(2)(b)(iii))

39.2.2.3.2 that use of the access way will significantly aggravate existing coastal bluff erosion in a manner which cannot be mitigated; or (Former Section CZ#A315-16(I)(2)(b)(iii))

39.2.2.3.3 that use of the access way is inconsistent with protection of public safety due to extraordinary hazards; and (Former Section CZ#A315- 16(I)(2)(b)(iii))

39.2.2.3.4 that an equivalent access way which mitigates such adverse impacts will be provided. (Former Section CZ#A315-16(I)(2)(b)(iii))

39.3 COASTAL SCENIC AREAS

39.3.1 The project is sited and designed to be subordinate to the character of the setting. (Former Section CZ#A315-16(I)(3)(a))

39.4 COASTAL STREAMS AND RIPARIAN AREAS

39.4.1 There are no significant adverse affects on habitat areas; (Former Section CZ#A315- 16(I)(4)(a))

39.4.2 There is no less environmentally damaging feasible alternative; and (Former Section CZ#A315-16(I)(4)(b))

39.4.3 The best mitigation measures feasible have been provided to minimize adverse environmental effects. (Former Section CZ#A315-16(I)(4)(c))

39.5 COASTAL VIEW AREAS

39.5.1 To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas. (Former Section CZ#A315-16(I)(5)(a))

39.6 COASTAL DUNE AND BEACH AREAS

39.6.1 All Development

39.6.1.1 Development shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas; (Former Section CZ#A315-16(I)(6)(a)(i))

39.6.1.2 There is no less environmentally damaging feasible alternative; and (Former Section CZ#A315-16(I)(6)(a)(ii))

39.6.1.3 The development will not interfere with the protection of dredge spoils disposal locations designated on the Humboldt Bay Area Plan Resource Protection Maps. (Former Section CZ#A315-16(I)(6)(a)(iii))

39.6.2 Caretaker's Residence.

39.6.2.1 The development will, on balance, help to protect environmentally sensitive habitat areas (e.g. by providing an opportunity for property owners, on a 24 hour basis, to exclude ORV's from their property); (Former Section CZ#A315- 16(I)(6)(b)(i))

39.6.2.2 It is located as close as is practicable to existing roads and rights of ways when it is the least environmentally damaging alternative; (Former Section CZ#A315-16(I)(6)(b)(ii))

39.6.2.3 Clearing around the residence is minimized; (Former Section CZ#A315- 16(I)(6)(b)(iii))

39.6.2.4 An open space easement or similar easement has been offered for dedication over the undeveloped portion of the parcel. (Former Section CZ#A315- 16(I)(6)(b)(iv))

39.7 COASTAL ELK HABITAT AREAS

39.7.1 The development will be compatible with the continuance of elk habitat areas. (Former Section CZ#A315-16(I)(7)(a))

39.8 COASTAL NATURAL DRAINAGE COURSES

39.8.1 Natural drainage courses, including ephemeral streams, will be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat. (Former Section CZ#A315- 16(I)(8)(a))

39.9 COASTAL NATURAL LANDFORMS

39.9.1 Alterations to natural land forms will be minimized. (Former Section CZ#A315-16(I)(9)(a))

39.10 OFFSHORE ROCKS AND ROCKY INTERTIDAL AREAS

39.10.1 The development will not increase the risk of biological damage to the Area of Special Biological Significance as identified by the Water Quality Control Board, offshore rocks and the communities they support, or intertidal areas. (Former Section CZ#A315-16(I)(15))

39.11 COASTAL ROAD CONSTRUCTION

39.11.1 Alteration of natural streams and drainage will be minimized; (Former Section CZ#A315-16(I)(10)(a))

39.11.2 The project is sited and designed to prevent impacts which would significantly degrade water resources. (Former Section CZ#A315-16(I)(10)(b))

39.12 COASTAL TRANSITIONAL AGRICULTURAL LAND

39.12.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(I)(11)(a))

39.12.2 The best feasible mitigations are included; and (Former Section CZ#A315-16(I)(11)(b))

39.12.3 The functional capacity of the wetland will be maintained. (Former Section CZ#A315- 16(l)(11)(c))

39.13 COASTAL VEGETATION REMOVAL, MAJOR

39.13.1 Within Riparian Corridors.

39.13.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(l)(12)(a)(i))

39.13.1.2 The plan includes the best mitigation measures feasible; and (Former Section CZ#A315-16(l)(12)(a)(ii))

39.13.1.3 The vegetation removal will result in no significant adverse impacts to habitat values. (Former Section CZ#A315-16(l)(12)(a)(iii))

39.13.2 Within Coastal Scenic Areas.

39.13.2.1 The visual effects of the vegetation removal will be subordinate to the character of its setting. (Former Section CZ#A315-16(l)(12)(b)(i))

39.14 COASTAL WETLANDS

39.14.1 All wetlands, with the exception of Pocket Marshes.

39.14.1.1 There is no less environmentally damaging feasible alternative; (Former Section CZ#A315-16(l)(13)(a)(i))

39.14.1.2 The best mitigation measures feasible have been provided to minimize adverse environmental effects; and (Former Section CZ#A315-16(l)(13)(a)(ii))

39.14.1.3 The required mitigation will maintain or enhance the functional capacity of the wetland or estuary. (Former Section CZ#A315-16(l)(13)(a)(iii))

39.14.2 Pocket Marshes.

39.14.2.1 The wetland to be filled is small (typically less than one acre) and isolated (i.e. not contiguous or adjacent to a larger wetland) and it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities; (Former Section CZ#A315-16(l)(13)(b)(i))

39.14.2.2 Major restoration activities are not feasible; (Former Section CZ#A315- 16(l)(13)(b)(ii))

39.14.2.3 The wetland does not provide significant habitat value to wetland fish and wildlife species, and is not used by any species which are rare or endangered; (Former Section CZ#A315-16(l)(13)(b)(iii))

39.14.2.4 It is located within an urban limit line as designated in the land use plan; and (Former Section CZ#A315-16(l)(13)(b)(iv))

39.14.2.5 Restoration of another wetland to mitigate for fill can be achieved in conjunction with filling a small wetland. (Former Section CZ#A315-16(I)(13)(b)(v))

39.15 COASTAL WETLAND BUFFERS

39.15.1 Development will be sited and designed to prevent impacts which would significantly degrade wetland habitat areas, and shall be compatible with the continuance of such habitat areas; and (Former Section CZ#A315-16(I)(14)(a))

39.15.2 The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms shall be maintained, and where feasible, restored. (Former Section CZ#A315-16(I)(14)(b))

312-40 Supplemental Coastal Subdivision Findings

40.1 SUBDIVISIONS IN AN AGRICULTURAL EXCLUSIVE 60 ACRE MINIMUM ZONE

40.1.1 The land division is necessary for a specific agricultural purpose, such as providing a separate starter farm for a family member; and (Former Section CZ#A315-17(A)(1))

40.1.2 The land division will not lower the economic viability of agriculture on the farm unit to be subdivided and will not adversely affect the area's agricultural economy or habitat resources. (Former Section CZ#A315-17(A)(2))

40.2 SUBDIVISIONS IN AGRICULTURAL EXCLUSIVE 160 AND 600 ACRE MINIMUM ZONES

40.2.1 The land division is necessary for a specific agricultural purpose; and (Former Section CZ#A315-17(B)(1))

40.2.2 The land division will not lower the economic viability of agriculture on the ranch unit to be subdivided and will not adversely affect the area's agricultural economy or habitat resources. (Former Section CZ#A315-17(B)(2))

40.3 SUBDIVISIONS IN A COMMERCIAL RECREATION ZONE

40.3.1 Where an existing principal permitted use is to be segregated from the remainder of the property, the economic viability of the principal permitted use on that parcel has been demonstrated; or (Former Section CZ#A315-17(C)(1))

40.3.2 Where the land to be divided is undeveloped, the economic viability of principal permitted uses on the parcels to be created has been demonstrated; and (Former Section CZ#A315-17(C)(2))

40.3.3 The new lots created have adequate onsite water, waste-water disposal and parking facilities to serve the principal permitted use. (Former Section CZ#A315-17(C)(3))

312-41 Supplemental Coastal Findings for Granting an Exception

41.1 FINDINGS FOR EXCEPTIONS

The Hearing Officer may grant exceptions, as authorized by this Chapter, if all of the following findings are made: (Former Section CZ#A315-18)

41.1.1 There are special circumstances or conditions associated with the proposed development, use, or project site that support granting the exception; and (Former Section CZ#A315-18(A))

41.1.2 The granting of the exception will not be detrimental to the public welfare; and (Former Section CZ#A315-18(B))

41.1.3 The applicant has proposed alternative standards which conform with the established standard(s) as closely as feasible; and (Former Section CZ#A315-18(C))

41.1.4 In the Coastal Zone, the granting of the exception will not have a significant adverse effect on environmentally sensitive habitats. (Former Section CZ#A315-18(D); Amended by Ord. [2214](#), 6/6/00)

312-42 Requests for Modifications or Exceptions for Residential Accessibility

42.1 A person who is disabled pursuant to the Americans with Disabilities Act of 1990 may request modification or exception from specific development standards for principal zones, including minimum yard setbacks, maximum ground coverage and maximum building height, in the event of an unexpected need to make their residence accessible consistent with the Housing Accessibility Guidelines of the 2007 California Building Code and its successors located at [24 CFR 1101A](#) et seq. The request may be made by a family member, domestic partner or agent on behalf of a disabled permanent resident of the home. (Ord. 2407, § 2, 12/16/2008)

42.2 The person requesting the modification or exception from a specific development standard of a principal zone to make their home accessible shall provide the Director of Community Development Services a written request for the modification or exception which includes all of the following: (Ord. 2407, § 2, 12/16/2008)

-the nature of the disability; (Ord. 2407, § 2, 12/16/2008)

-which resident of the home has the disability; (Ord. 2407, § 2, 12/16/2008)

-what modification or exception the applicant is requesting; (Ord. 2407, § 2, 12/16/2008)

-the impact the existing regulation or standard has on the applicant; (Ord. 2407, § 2, 12/16/2008)

-any other methods or actions considered by the applicant to provide necessary relief; and; (Ord. 2407, § 2, 12/16/2008))

-why those methods or actions were not found to be feasible. (Ord. 2407, § 2, 12/16/2008)

42.3 Upon finding the request complete, and following consultation with any knowledgeable party or parties as determined appropriate, the Director may process the request for a modification or exception of a specific development standard of a principal zone according to the procedures for Special Permits. The applicant must obtain all other applicable permits, including Coastal Development Permits, for the development to be accommodated by the request. If this determination of modification or exception is related to a discretionary land use project, the matter may be taken to the hearing officer ahead of the project as a whole, so as to expedite review and render a decision on which other permit findings may be dependant. (Ord. 2407, § 2, 12/16/2008)

42.4 In addition to the findings for approving Special Permits, approval of a request for a modification or exception from a specific development standard of a principal zone for residential accessibility shall include the following findings;

-the modification or exception is in conformance with the General Plan, and , if in the Coastal Zone, is in conformance with the Certified LCP; (Ord. 2407, § 2, 12/16/2008)

-if located in the Coastal Zone, the modification or exception involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, (Ord. 2407, § 2, 12/16/2008)

-the modification or exception is not detrimental to public health, safety, or welfare; (Ord. 2407, § 2, 12/16/2008)

-the modification or exception conforms with all applicable standards and requirements of the California Building Code; (Ord. 2407, § 2, 12/16/2008)

-the modification or exception results in the only feasible design for accessibility; and (Ord. 2407, § 2, 12/16/2008)

-the modification or exception will provide residential accessibility for a disabled resident of the home consistent with the Housing Accessibility Guidelines of the 2007 California Building Code and its successors. (Ord. 2407, § 2, 12/16/2008)

(Ord. 2407, § 2, 12/16/2008)

312-43 through 312-49 (Sections Reserved for Future Use)

312-50 Amendments to the Zoning Regulations and Zoning Maps

50.1 PURPOSE

The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. As the Plan is updated, need may arise for changes in zoning district boundaries and other regulations.

Likely changes include: changing zoning boundaries, changing property from one zone to another, imposing new regulations, or deleting obsolete or unnecessary sections. (Former Section INL#317-1; Ord. [894](#), Sec. 1, 12/19/72; Amended by Ord. [2214](#), 6/6/00)

50.2 AUTHORITY TO MAKE AMENDMENTS

The Board of Supervisors shall have the authority to initiate, grant, deny, or modify proposed amendments to these Zoning Regulations in accordance with the provisions of this Code and State Law. (Former Section INL#317-1; CZ#A316-1; Ord. [894](#), Sec. 1, 12/19/72)

50.3 REQUIRED FINDINGS FOR ALL AMENDMENTS

Amendments to this division may be approved only if the following findings are made: (Former Section INL#317-9; CZ#A316-9; Ord. [894](#), Sec. 1, 12/19/72)

50.3.1 The amendment is in the public interest; and (Former Section INL#317-9; CZ#A316-9(a))

50.3.2 The amendment is consistent with the County General Plan. (Former Section INL#317-9; CZ#A316-9(b))

50.3.3 If the amendment requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Ord. [2214](#), 6/6/2000)

50.3.4 The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

50.3.4.1 The reduction is consistent with the adopted general plan, including the housing element, and

50.3.4.2 The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section [65584](#) of the Government Code, and

50.3.4.3 The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

50.4 INITIATING AMENDMENTS

50.4.1 Amendments to the zoning code and maps may be initiated by a majority vote of the Board of Supervisors based on: (Former Section CZ#A316-2; Amended by Ord. [2214](#), 6/6/00)

50.4.1.1 Recommendation of any Board member; (Ord. [2214](#), 6/6/2000)

50.4.1.2 Recommendation of the County Planning Commission; (Former Section CZ#A316-2(a)(1); CZ#A316-4(a)(1))

50.4.1.3 Recommendation of the County Community Development Services Department; (Former Section CZ#A316-2(a)(2); CZ#A316-4(a)(2))

50.4.1.4 Receipt of a petition for amendment, pursuant to Section [312-50.5](#), by the owner of the property within the area proposed for reclassification. If the area proposed for reclassification is in more than one (1) ownership, at least fifty percent (50%) of the property owners or the owners of not less than sixty percent (60%) of the land area included in the application shall join in filing the application. (Former Section INL#317-2; CZ#A316-2(A)(3); CZ#A316-4(A)(3); Ord. [894](#), Sec. 1, 12/19/72)

50.4.2 The Director of the Community Development Services Department may initiate an amendment to the maps of the Zoning Regulations for minor amendments of the zone district boundaries. For the purpose of this section a minor zone boundary adjustment shall include the adjustment of zone district boundaries to be coterminous with parcel boundaries where a zone district boundary dissects a parcel into more than one zone district, or in conjunction with a lot line adjustment. Zoning map amendments initiated by the Director shall be reviewed and processed in accordance with these regulations. (Former Section CZ#A316-1(B); Amended by Ord. [2214](#), 6/6/00)

50.5 PETITION FORM, FILING, AND FEE

50.5.1 A petition for amendment of these regulations or zoning maps shall be made on the prescribed form and filed with the Department. The petition fee established by the Board of Supervisors shall be paid when the petition is filed. (Former Section INL#317-3; CZ#A316-5(A); Ord. [894](#), Sec. 1, 12/19/72)

50.5.2 The petition for amendment shall include information concerning the need and reason for amendment. The applicant must demonstrate that the change will be in the public interest, is consistent with the General Plan and, if the amendment requires a Local Coastal Plan Amendment, that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Former Section INL#317-3; CZ#A316-5(B); Amended by Ord. [2214](#), 6/6/00)

50.5.3 A petition to amend the maps of the Zoning Regulations shall include a map of the proposed amendment area depicting the affected area by assessor's parcel number. (Former Section CZ#A316-5(C))

50.5.4 The Department shall not accept for filing any petition for amendment of the County Zoning Regulations or zoning maps that does not conform with the requirements of these regulations, or is clearly inconsistent with the General Plan. (Former Section INL#317-3; CZ#A316-5(D))

50.6 PETITION IN CONJUNCTION WITH A GENERAL PLAN AMENDMENT

A petition for amendment of the text or the zoning maps of the Zoning Regulations may also be initiated in conjunction with a petition for a General Plan amendment. (Former Section INL#317-2, 317-3; CZ#A316-2, A316-4(B); Ord. [894](#), Sec. 1, 12/19/72; Amended by Ord. [2214](#), 6/6/00)

50.7 PROCESSING OF PROPOSED AMENDMENTS

The Community Development Services Department shall process an application for amendment as follows:

50.7.1 **Administrative Review.** The Department shall process the application for amendment through the project review process in accordance with Sections [65800](#) through [65863.9](#) of the California Government Code, Sections [21000](#) through [21177](#) of the California Public Resources Code and Sections [15000](#) through [15387](#) of Title [14](#) of the California Code of Regulations, or any successor provisions to the statutes and regulations listed in this

subsection. (Former Section INL#317-4, 317-5(b), 317-5(c); CZ#A316-6(A); Ord. [894](#), Sec. 1, 12/19/72; Ord. [1107](#), Sec. 1, 11/9/76; Amended by Ord. [1251](#), Sec. 1, 8/15/78; Amended by Ord. [2214](#), 6/6/00)

50.7.2 **Planning Commission Hearing.**

50.7.2.1 After Administrative Review, the Planning Commission shall hold a duly noticed public hearing on the application for amendment. Notice shall be given pursuant to Sections [65090](#) through [65094](#) of the California Government Code. (Former Section INL#317-4, 317-5(a), 317-5(b); CZ#A316-6(B); Ord. [894](#), Sec. 1, 12/19/72; Ord. [1107](#), Sec. 1, 11/9/76; Amended by Ord. [1251](#), Sec. 1, 8/15/78)

50.7.2.2 At the Public Hearing, the Planning Commission shall review the proposed amendment and shall receive pertinent evidence relating to the following: (Former Section INL#317-6(a)(1); Amended by Ord. [2214](#), 6/6/00)

50.7.2.2.1 Whether the proposed amendment is in the public interest; and, (Former Section INL#317-6(a)(1); Amended by Ord. [2214](#), 6/6/00)

50.7.2.2.2 Whether the proposed amendment is consistent with the General Plan. (Former Section INL#317-6(a)(2); Amended by Ord. [2214](#), 6/6/00)

50.7.2.2.3 If the amendment requires a Local Coastal Plan Amendment, whether the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Ord. [2214](#), 6/6/2000)

50.7.2.3 The Public Hearing may be continued if necessary, but shall be concluded within a reasonable period. (Former Section INL#317-7; Ord. [1007](#), Sec. 1, 11/9/76))

50.7.3 **Planning Commission Recommendation.** After the hearing, the Commission shall make a recommendation on the application for amendment to the Board of Supervisors. Failure of the Planning Commission to make a recommendation within thirty (30) working days after the conclusion of the hearing, shall be deemed to be a recommendation for denial of the application for amendment. (Former Section INL#317-7; CZ#A316-6(C); Ord. [894](#), Sec. 1, 12/19/72; Ord. [1107](#), Sec. 1, 11/9/76; Amended by Ord. [1251](#), Sec. 1, 8/15/78; Amended by Ord. [2214](#), 6/6/00)

50.7.4 **Board of Supervisors Hearing.**

50.7.4.1 **Scheduling.** Upon receipt of the Planning Commission's recommendation, the Board of Supervisors shall schedule a duly noticed public hearing on the proposed amendment. Notice shall be given pursuant to Sections [65090](#) through [65094](#) of the California Government Code. (Former Section INL#317-8; CZ#A316-6(D); Amended by Ord. [2214](#), 6/6/00)

50.7.4.2 **When the Board Shall Not Be Required to Hold a Hearing Nor Take Any Further Action.** If the amendment involves change of property from one zone to another, and the Planning Commission has recommended that the proposed amendment be denied, the Board shall not be required to hold a hearing nor take any further action unless any interested party files a written request for hearing with the Clerk of the Board no later than five (5) calendar days after the Planning Commission recommendations are filed with the

Board. The fee for a request for hearing established by the Board of Supervisors shall be paid when the request is filed. The request shall identify the grounds for the request. (Former Section INL#317- 8; CZ#A316-6(D); Ord. [1516](#), Sec. 1, 3/30/82; Amended by Ord. [1609](#), Sec. 1, 8/9/83;

Amended by Ord. [2214](#), 6/6/00)

50.7.4.3 **Public Hearing.** At the Public Hearing the Board of Supervisors shall review the proposed amendment and may receive pertinent evidence on the following matters: (Former Section INL#317-9(a); Ord. [894](#), Sec. 1, 12/19/72; Amended by Ord. [2214](#), 6/6/00)

50.7.4.3.1 Whether the proposed amendment is in the public interest; and, (Former Section INL#317-9(a)(1); Amended by Ord. [2214](#), 6/6/00)

50.7.4.3.2 Whether the proposed amendment is consistent with the General Plan. (Former Section INL#317-9(a)(2); Amended by Ord. [2214](#), 6/6/00)

50.7.4.3.3 If the amendment requires a Local Coastal Plan Amendment, whether the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Ord. [2214](#), 6/6/2000)

50.7.5 Board of Supervisors Action

50.7.5.1 For all amendments to the Zoning Code or Maps, the Board of Supervisors may approve, modify or disapprove the recommendation of the Planning Commission. Any substantial modification by the Board of Supervisors during its Public Hearing, which was not previously considered by the Planning Commission, shall first be referred to the Planning Commission for report and recommendation. Failure of the Planning Commission to report within forty (40) calendar days after the referral, or a longer period designated by the Board of Supervisors, shall be deemed as approval. (Former Section INL#317-10(b); Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [2214](#), 6/6/00)

50.7.5.2 After the hearing, the Board of Supervisors shall render a decision on the application for amendment. Failure of the Board of Supervisors to render its decision on the matter within thirty (30) working days of the conclusion of the hearing shall be deemed to be a denial of the application for amendment. The Board of Supervisors may approve the proposed reclassification if it makes the required findings related to the evidence received. The Board of Supervisors may also impose conditions necessary to promote public health, safety, and welfare. (Former Section INL#317-9(a)(1), 317-9(a)(2), 317-9(b), 317-10(c); CZ#A316-6(E); Ord. [894](#), Sec. 1, 12/19/72; Ord. [1007](#), Sec. 1, 11/9/76; Amended by Ord. [2214](#), 6/6/00)

50.7.6 **Notice of Action.** Within ten (10) working days after a decision by the Board of Supervisors, the Clerk of the Board shall give notice of the decision to the petitioner for the amendment and any other party who has requested such notice. Notice of the decision shall be provided to the Coastal Commission for an amendment that affects property within the Humboldt County Coastal Zone. (Former Section CZ#A316-6(F); Amended by Ord. [2214](#), 6/6/00)

50.7.7 Notice of Environmental Determination. Following each amendment approved by the Board of Supervisors, a Notice of Determination shall be filed pursuant to all requirements of Sections 15075 and 15094 of the California Code of Regulations and Section [21152](#) of the California Public Resources Code, or any successor provisions thereto. (Former Section CZ#A316-6(G); Amended by Ord. [2214](#), 6/6/00)

50.7.8 Coastal Commission Certification. An approval of an application for amendment that affects property within the Humboldt County Coastal Zone shall not become effective until the amendment has been approved and certified by the Coastal Commission. (Former Section CZ#A316-6(H))

50.7.9 Limits to Reapplication for Zone Reclassification. Following the grant or denial of an application for a Zone Reclassification, no new application shall be accepted within one (1) year for the same or substantially the same property. (Former Section INL#317-11; Ord. [894](#), Sec. 1, 12/19/72)

50.8 SUPPLEMENTAL TIMBERLAND PRODUCTION ZONING PROCEDURES

50.8.1 After November 1977, an owner of real property may apply to zone land as Timberland Production. This application shall be made directly to the Department and does not require Board of Supervisor's authorization to process. The Board of Supervisors, pursuant to these Regulations and Public Resources Code Section [51110.2](#), shall zone as Timberland Production all parcels submitted to it pursuant to this Section, which meet all of the following criteria:

50.8.1.1 A map shall be prepared showing the legal description of or the assessor's parcel number of the property desired to be zoned Timberland Production Zone. (Former Section CZ#A316-7(A); Amended by Ord. [2214](#), 6/6/00)

50.8.1.2 A plan for forest management of the property must be prepared or approved as to content by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan. (Former Section CZ#A316-7(B))

50.8.1.3 The parcel shall currently meet the timber stocking standards as set forth in Section [4561](#) of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timberland Production and the owner fails to meet such stocking standards and forest practice rules within this time period, the Board of Supervisors may rezone the parcel pursuant to Section [51121](#) of the Government Code. (Former Section CZ#A316-7(C); Amended by Ord. [2214](#), 6/6/00)

50.8.1.4 The land to be rezoned Timberland Production shall be in the ownership of one person, as defined in Section [38106](#) of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels as defined in Section [51100](#) of the Government Code, which are 160 acres or one-quarter section in size or larger. (Former Section CZ#A316-7(D); Amended by Ord. [2214](#), 6/6/00)

50.8.1.5 The land to be rezoned Timberland Production shall be twenty (20) acres or more of "good site III" or better, or 160 acres or more of "site IV" or better as defined in Section [434](#) of the Revenue and Taxation Code, or any successor provision thereto. (Former Section CZ#A316-7(E))

50.8.1.6 The existing uses on the parcel must be uses permitted in the TPZ Zone. (Former Section CZ#A316-7(F))

50.8.2 **Rezoning From Timberland Production To a Different Zone.** Rezoning of the land from Timberland Production Zone (TPZ) to another zoning district shall be in conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to the requirements of these zoning regulations. (Former Section CZ#A316-8)

312-51 Enforcement Procedures

Note: For administrative enforcement procedures, see Title [II](#), Division 12, Recovery of Costs Related to Processing and Enforcement of Code Violations; and Title [II](#), Division 13, Administrative Penalties.

51.1 DUTY TO ENFORCE

It shall be the duty of the Community Development Services Director to enforce all provisions of the County Zoning Regulations. All officials, departments, and employees of the County of Humboldt vested with the authority to issue permits, certificates, or licenses shall adhere to and require conformance with the County Zoning Regulations.

51.2 EXCEPTIONS

The Community Development Services Department has responsibility for enforcing this Code, except:

51.2.1 The Department of Public Health shall enforce the provisions of this Code relating to animals and animal shelters. (Former Section INL#319-5)

51.2.2 The Building Division of the Community Development Services Department shall enforce the provisions of this Code for building height, site area and minimum yards, after designation of minimum yards has been made by the Community Development Services Department. The Building Division will also inspect mobile home skirting and storage shed installation. (Former Section INL#319-5; Ord. [1086](#), Sec. 21, 7/13/76)

51.2.3 Other enforcement provisions mandated by the Planning Commission or Board of Supervisors, or enforcement agreements made between Department Heads. (Ord. 2214, 6/6/2000)

51.3 PERMITS IN CONFLICT WITH THIS CODE

No County department, employee or officer shall issue a permit, certificate or license for any land uses or building which conflicts with this Code, consistent with state law. Any permit, certificate or license issued in conflict with this Code shall be null and void. (Former Section INL#319--1; Ord. [519](#), Sec. 801, 5/11/65; Amended by Ord. [2214](#), 6/6/00)

51.4 INSPECTION TO ENSURE COMPLIANCE

51.4.1 Any official or duly authorized representative of such official, who is responsible for enforcement or administration of the County Zoning Regulations, may enter any site for the purpose of investigation to be conducted in a reasonable manner in the following circumstances: (Former Section CZ#A317-1(B); Amended by Ord. [2214](#), 6/6/00)

51.4.1.1 It is necessary to investigate an application for development permit or variance or an extension, modification thereof, or an action to revoke or modify a development permit or variance. (Former Section CZ#A317-1(B)(2))

51.4.1.2 It is necessary to investigate a proposed amendment of the County Zoning Regulations. (Former Section CZ#A317-1(B)(3))

51.4.2 No owner or occupant or agent thereof shall, after appropriate notice and opportunity to comply, refuse to permit such entry. (Former Section CZ#A317-1(B))

51.4.3 No building or structure shall be entered without the express permission of the owner or occupant. (Former Section CZ#A317-1(B))

51.4.4 A refusal of permission to enter upon the land shall be deemed to constitute a withdrawal of the application for which the inspection is required, or grounds for revocation of a development permit or variance issued pursuant to this division. (Former Section CZ#A317-1(B); Amended by Ord. [2214](#), 6/6/00)

51.5 VIOLATION OF THE COUNTY ZONING REGULATIONS

The following provisions shall apply to violations of the County Zoning Regulations. All of the remedies provided for in this section shall be cumulative and not exclusive. (Former Section INL#319-4; CZ#A317-1(C); Ord. [519](#), Sec. 804, 5/11/65; Amended by Ord. [2214](#), 6/6/00)

51.5.1 **Penalty.** Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Code shall be guilty of a misdemeanor and shall be subject to the penalties provided for in Section [112-5](#) of the County Code. (Former Section INL#319-2; CZ#A317-1(C)(1); Ord. [519](#), Sec. 802, 5/11/65)

51.5.2 **Public Nuisance.** Any building or use operated or maintained contrary to the provisions of this Code shall be and the same hereby is declared to be a public nuisance and shall be subject to injunction and abatement as such. (Former Section INL#319-3; CZ#A317-1(C)(2); Ord. [519](#), Sec. 803, 5/11/65)

51.5.3 **Redway Q Zone.** This Section does not include additional sanctions imposed under the Redway Q Zone Ordinance. (Ord. 2214, 6/6/2000)

The Humboldt County Code is current through Ordinance 2751, and legislation passed through December 3, 2024.

Disclaimer: The Office of the County Counsel has the official version of the Humboldt County Code. Users should contact the Clerk of the Board's office for ordinances passed subsequent to the ordinance cited above.

[County Website: humboldt.gov](http://humboldt.gov)

[County Telephone: \(707\) 445-7236](tel:(707)445-7236)

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