



# COUNTY OF HUMBOLDT

For the meeting of: 8/7/2025

---

File #: 25-904

---

**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Ordinance amending Title III, Division 1, Chapters 2 and 4 of Humboldt County Code Sections 312-6, 312-10, 312-11, 312-13, 312-16, 312-50, and 314-91

Assessor Parcel Numbers (APN) 000-000-000

Record No.: LRP-2025-19207

Countywide

Amendments to the Notice of Final Action provisions of the Processing Applications for Permits and Variances regulations and the Decision, the Notice provisions of the Appeal Procedures regulations, and several other sections of regulations to amend subsection 312-6.7.2 to allow electronic delivery of the Notice of Final Action, to amend 312-13.7 to remove its dependency on subsection 312-6.7 and specify that delivery of a Notice of Final Action on an appeal must be by first class mail, to amend sections 312-16.4 and 314-91.2 to establish that they are dependent of subsection 312-6.7.2, to amend sections 312-6.7 et seq., 312-10.2.2.2, 312-11.3.1, 312-13.12, 312-16.4.6 et seq., and 314-91.2.8.5 to adjust language associated with notices and actions to reduce the use of the word final and establish internal and external consistency, to amend Section 314-50.7.2.1 to maintain consistency with Government Code, and to correct grammatical errors. These Zoning Regulations Amendments apply to the entire County.

**RECOMMENDATION(S):**

That the Planning Commission:

1. Adopt the resolution which does the following:
  - a. Finds the proposed amendments to the Zoning regulations are exempt from environmental review; and
  - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Recommends the Board of Supervisors Adopt the amendments to the Zoning regulations.

DISCUSSION:

The proposed amendments to the Zoning regulations are to serve the Planning and Building Department's migration to electronic application processes while retaining consistency with Government Code. Additionally, the amendments will result in cost reductions of both staff time and materials. The results of the changes are minor and are intended to modernize staff procedures while maintaining legal consistency with both the word "final," as it relates to actions by a governing body and required noticing procedures established by Government Code. The proposed changes are shown in underlined/stricken text in Attachment 2 and are described as follows.

- A. Electronic Delivery of the Notice of Action: (Section 6.7.2) The current language of the code requires Planning Staff to provide the notice via first class mail. This change would instead require the Notice to be provided via electronic mail (email), with the alternative of first-class mail available in cases where email is not accessible. In accordance with the Planning and Building Department's goal to provide more services digitally, within the past year, the Planning Division added emails to the standard permit processing procedure. These courtesy emails have each notice attached. The proposed code changes enable Planning Staff to eliminate the now redundant, but presently required, step of mailing the notice physically as well. Email requires significantly fewer material resources, energy, and time than traditional mailing over the entire course of each item's trip. Calculations explained in Attachment 4 indicate that when factoring the carbon dioxide emissions (CO<sub>2</sub>) associated with the production of the paper, printing on said paper, and transporting the mailings via post, compared to the CO<sub>2</sub> emissions associated with the power required to send emails for each decision, the CO<sub>2</sub> emissions associated only with sending the notices could be reduced by roughly 73% if Notices of Action are sent only by email instead of both by mail and by email. As further explained in Attachment 4, this is a very rough estimation using starting values provided by secondary sources and starting values specific to the Planning and Building Department. Separate calculations, also explained in Attachment 4, indicate that time spent on this task could be reduced by 15 minutes per decision if Notices of Action are only sent by email, and, if mailing costs such as postage are excluded, that leads to a total cost savings of approximately \$10,867.67 annually.
- B. Removing Dependence on Section 312-6.7 from Appeals to the Board: (Section 13.7 et seq.) The current language of the code states that notices of decision by the Board of Supervisors on appealed actions are required to be provided in accordance with Section 312-6.7. These notices should still be sent by first class mail to establish a timeframe after the Board's decisions for potential petitions for writ of mandate to be filed under Government Code of Civil Procedure Section 1094.6. Because the change to subsection 312-6.7.2 would mandate these notices also to be sent by electronic mail, the proposed change to Section 13.7 removes the language referring to Section 312-6.7 and replaces that with subsections that roughly match the original requirements within Section 312-6.7.

- C. Establishing Dependence on Section 312-6.7 for Identical Notices: (Sections 312-16.4 and 314-91.2) The current language within Sections 312-16.4 and 314-91.2 is identical or nearly identical to the current language in Section 312-6.7, each referring to procedure associated with notices at the conclusion of De Minimis Waivers and Wireless Communication Facilities projects, respectively. Instead of only updating these sections with similar language to allow for emailing those notices, the proposed code eliminates the identical aspects of each procedure and refers to Section 312-6.7 as the standard procedure. This change will reduce the need for wide-sweeping modifications to the code, if Section 312-6.7 is proposed to be modified again in the future.
- D. Adjusting References to Notice of Final Action and Notice of Decision: (Sections 312-6.7 et seq., 312-10.2.2.2, 312-11.3.1, 312-13.12, 312-16.4.6 et seq., and 314-91.2.8.5) To better reflect the meaning of ‘final’ implied by Government Code of Civil Procedure Section 1094.6, references to “Notice of Final Action” and similar phrases are proposed to be changed such that they refer to “Notice of Decision,” with the exception of Section 312-13.12, which would instead refer to “Final Local Action Notice.” Final Local Action Notice is one of the terms utilized by the California Coastal Commission and the reference in Section 13.12 is specific to communications to the Coastal Commission. To maintain the distinction between decisions by the Board of Supervisors and other decision-making bodies and to continue this accurate usage of the word ‘final,’ Section 312-13.7 is also changed such that “Notice of the decision” is instead “Notice of the final action” and therefore the section and associated notice will be changed to “Notice of Final Action.”
- E. Referencing Section 65854 of Government Code: (Subsection 312-50.7.2.1) Section 65854 of Government Code establishes required noticing procedures for zoning ordinances and amendments to zoning ordinances. In cases where such ordinance or amendment affects the permitted uses of any real property, notice is required to be published, posted, mailed, delivered, and/or advertised, as applicable, at least 20 days prior to the hearing. The proposed amendment adds reference to this Section to the County Code section which identifies which Government Codes are applicable for noticing in advance of hearings for proposed zoning ordinances and amendments thereof.

#### **Environmental Review:**

This is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment (Section 15061(b)(3) of the State CEQA Guidelines) and the definition of project, which excludes continuing administrative activities such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Activities which are not projects are also not subject to CEQA.

#### **OTHER AGENCY INVOLVEMENT:**

The project was referred to County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could choose not to recommend approval of the Zoning Regulation Amendments, or to modify the amendments proposed based upon public input and Commission discussion.

ATTACHMENTS:

1. Draft Resolution
2. Draft Ordinance No. \_\_\_\_
3. Existing Regulations
4. Calculations Analysis

Please contact Augustus Grochau, Associate Planner, at [agrochau@co.humboldt.ca.us](mailto:agrochau@co.humboldt.ca.us) or 707-441-2626 if you have questions about this item.