



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 (CO₂) associated with the production of the paper, printing on said paper, and transporting the mailings via post, compared to the CO₂ emissions associated with the power required to send emails for each decision, the CO₂ 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 or 707-441-2626 if you have questions about this item.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 25-_____

Record Number LRP-2025-19207

Recommending that the Board of Supervisors adopt the amendments to the Procedure for Processing Applications for Permits and Variances, to the Appeal Procedures, to De Minimus Waivers from Coastal Development Permit Requirements, to Amendments to the Zoning Regulations and Zoning Maps, to Wireless Telecommunications Facilities, and to other references to Notices of Final Action or Notices of Decision, as described in the draft ordinance.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the migration by the Humboldt County Planning and Building Department to a digital permitting process has revealed aspects of the code which limit the ability of the full process to remain digital, whereby amending the code to allow each step of said process to be digital would benefit the public and the County process, and

WHEREAS, on Thursday July 24, 2025, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed amendments regarding Notices of Action and Decision and Notice; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the amended Processing Applications for Permits and Variances regulations, the Decision and Notice provisions of the Appeal Procedures, the De Minimus Waivers from Coastal Development Permit Requirements regulations, the Wireless Telecommunications Facilities regulations, the Processing of Proposed Amendments provisions of the Amendments to the Zoning Regulations and Zoning Maps regulations, and other references to Notices of Final Action or Notices of Decision on August 7, 2025 to receive a report and any supplements to the report on the draft amendments, as well as evidence and testimony and made a recommendation to the Board of Supervisors to adopt the proposed draft amended Processing Applications for Permits and Variances regulations, the Decision and Notice provisions of the Appeal Procedures, the De Minimus Waivers from Coastal Development Permit Requirements regulations, the Wireless Telecommunications Facilities regulations, the Processing of Proposed Amendments provisions of the Amendments to the Zoning Regulations and Zoning Maps regulations,

and other amended references to Notices of Final Action or Notices of Decision within the Zoning Regulations;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

REQUIRED FINDINGS OF APPROVAL

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. FINDING: The proposed amendments to the Zoning Ordinance are exempt from environmental review under the common sense exemption (Section 15061(b)(3) of the State CEQA Guidelines) where it can be seen with certainty that a project will not have an adverse effect on the environment and the definition of project under Section 15378 of the State CEQA Guidelines (per Section 15378(b)(2), continuing administrative activities such as general policy and procedure making are excluded from the definition of project).

EVIDENCE:

- a) The proposed ordinance will not allow any new development but will only slightly modify the procedures under which Planning Staff delivers the decisions made for planning permits and what those deliveries are called. There will be no change in the environment except for a small reduction in total carbon dioxide emissions, so it can be seen with certainty there will be no environmental impact.
- b) The amendments to the code to remove the requirement for Notices of Action to be sent via first class mail will have the effect of enabling electronic delivery of the Notices of Action, with the exception of those resulting from Appeals to the Board of Supervisors. Email requires significantly fewer material resources, energy, and time than traditional mailing over the entire course of each item's trip.
- c) The amendment to Section 312-13.7 of the ordinance to remove its dependency to Section 312-6.7 will have the effect of preventing the requirements of Section 312-13.7 from changing as a result of the amendments to Section 312-6.7. The notice of the decision from the Board of Supervisors for any application will continue to be required to be sent by first class mail, with all other associated requirements for the contents of the notice, so there will be no change in procedure. The amendments to Sections 312-16.4 and 314-91.2 of the code to establish that they are dependent on

Section 312-6.7 will have an identical effect as the changes to Section 312-6.7

- d) The changes to what were formerly “Notices of Final Action” to identify them as “Notices of Decision” will have no environmental impact.

PUBLIC INTREST

2. FINDING: The amendments are in the public interest. Allowing electronic delivery of the Notice of Decision and establishing new consistent references and procedures thereof is consistent with the purpose of the Adopted Ordinances. This reduces costs associated with processing permits, reducing burden otherwise renumarated by applicant fees and General Fund budget.

- EVIDENCE:**
- a) Currently the Planning and Building Department is required for all applications subject to Division 1 of Title III to send the final Notice of Action by first class mail. This standard was established at a time of limited email adoption. As the County continues to progress into the modern age, digital processes are becoming the norm, and the majority of the permitting process can be handled via electronic communication. By allowing electronic delivery of the Notice of Decision, the Planning and Building Department can handle most projects digitally from initial application to final approval.
 - b) Reducing time required for processing decisions by removing the mailing requirement and reducing the usage of paper materials both reduce costs from the budget and from applicant bills significantly.

CONSISTENCY WITH THE GENERAL PLAN

3. FINDING: The proposed Zoning Regulation Amendments are consistent with the General Plan.

- EVIDENCE:**
- a) Administrative procedures are not established by nor referenced within the General Plan, so changes to said procedures cannot be inconsistent with the General Plan.
 - b) The Zoning Regulations Amendments will not result in or affect any new development, nor will it affect any existing development.

CONSISTENCY WITH THE COASTAL ACT

- 4. FINDING:** The proposed Zoning Regulations Amendments will not adversely affect Coastal Access, Recreation, Marine, Land Resources, cause new development that may affect scenic resources, public works facilities, safety, and priority of coastal dependent developments or interfere with or allow industrial development.

EVIDENCE: a) The amendments to the Zoning Regulations will not result in or affect any new development. The amendments will, however, enable notices to the California Coastal Commission to be sent via electronic mail, as recently permitted by SB 951's amendment to Public Resources Code Section 30603.

CONSISTENCY WITH STATE PLANNING LAW

- 5. FINDING:** Humboldt County Code Section 312-50.3.4 requires any proposed amendment must 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, unless specific findings are made. The proposed amendments do not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The amendments do not impact residential density for any parcel utilized by the Department of Housing and Community Development in determining compliance with housing element law. The amendments will not alter residential density of parcels within Humboldt County.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Adopt the required findings above.
2. Adopt the Planning Commission recommended amendments to Sections 312-6, 312-10, 312-11, 312-13, 312-16, 312-50 and 314-91 of Chapter 2 and Chapter 4 of the Zoning Regulations.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **August 7, 2025**.

The motion was made by _____ and seconded by _____ and the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 2 of the Planning Regulations: addressing Section 312-6 - Processing Applications for Permits and Variances, amending subsection 6.7.2 to rename “Notices of Final Action” to “Notices of Decision” to better reflect State law regarding such notices and their appealability and to establish a distinction between notices provided as a result of a Board of Supervisors’ decision and notices provided as a result of any other decisions associated with the Planning and Building Department, and amending subsection 6.7.2 to allow electronic delivery of a Notice of Decision; addressing Section 312-10 - Rights Attached to Permits and Variances, Section 312-11 - Minor Deviations, Modifications and Extensions, and Section 312-16 - De Minimus Waivers from Coastal Development Permit Requirements, amending subsections 10.2.2, 11.3.1, and 16.4.6 to match the “Notice of Decision” language established in Section 6.7 and remove the word “final,” and amending Section 16.4 to establish that it is dependent on Section 6.7 and utilizes the same procedures as associated with Notices of Decision; addressing Section 312-13 - Appeal Procedures, amending Section 13.7 to remove its dependence on Section 6.7 and to specify delivery of a Notice of Final Action on an appeal must be by first class mail; addressing Section 312-13 - De Minimus Waivers from Coastal Development Permit Requirements, amending Section 312-13.12 to refer to “final local action notice,” instead of “notice of final action,” thus better matching the typical terminology used by the California Coastal Commission; and addressing Section 312-50 - Amendments to the Zoning Regulations and Zoning Maps to additionally reference Section 65854, thus communicating that Zoning Ordinances and amendments thereof must have notices that are published at least 20 days prior to the hearing if said ordinance or amendment affect the permitted uses of real property.

Title III, Division 1, Chapter 4 of the Planning Regulations: addressing Section 314-91 - Wireless Telecommunications Facilities, amending Section 91.2 to match the “Notice of Decision” language established in Section 312-6.7 and to establish that it is dependent on Section 312-6.7 and utilizes the same procedures as associated with Notices of Decision.

SECTION 2. Chapter 2 - Table of Contents

Section 312-6 of the Table of Contents in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

312-6 Processing Applications for Permits and Variances

312-6.1 Application Check

312-6.2 Project Review

312-6.3 Public Review

312-6.4 Public Hearing: Evidence

312-6.5 Project Approval

312-6.6 Issuance of Permit or Variance

312-6.7 Notice of ~~Final Action~~ Decision

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312-13 Appeal Procedures

312-13.1 Appeals to the Board of Supervisors

312-13.2 Grounds for Appeal

312-13.3 Effect of Filing an Appeal

312-13.4 Processing an Appeal

312-13.5 Hearing Required

312-13.6 Notice of Public Hearing

312-13.7 Decision and Notice of Final Action

312-13.8 Finality and Effective Date

312-13.9 If No Decision Reached

312-13.10 Right to Decide All Matters

312-13.11 Major Vegetation Removal: Appeal of the Director's Determination

312-13.12 Appeals to the Coastal Commission

312-13.13 Grounds for Appeal to the Coastal Commission

SECTION 3. Processing Applications for Permits and Variances

Section 312-6 regarding Processing Applications for Permits and Variances in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

6.7 NOTICE OF ~~FINAL ACTION~~ DECISION

Notice of decision ~~final action~~ on an application for a permit or variance shall be given as follows:

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.

6.7.2 Notice shall be provided to the following by first class mail electronic mail or alternatively by first class mail in cases where the recipient does not have access to electronic mail to:

6.7.2.1 The Applicant;

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

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; and

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; and

6.7.4.3 Procedures for appeal, if applicable.

SECTION 4. Rights Attached to Permits and Variances

Section 312-10 regarding Rights Attached to Permits and Variances in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

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:

10.2.2.1 An appeal is filed in accordance with Section 312-13.11; or

10.2.2.2 The notice of ~~final action~~ decision does not meet the requirements of Section 312-6.7, Notice of Decision.

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.

SECTION 5. Minor Deviations, Modifications, and Extensions

Section 312-11 regarding Minor Deviations, Modifications, and Extensions in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

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.

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:

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.

SECTION 6. Appeal Procedures

Section 312-13 regarding Appeal Procedures in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

13.7 DECISION AND NOTICE OF FINAL ACTION

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~~ final action by 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~~ the following:

13.7.1 Notice shall be provided within five (5) working days of the Board's action on any appeal.

13.7.2 Notice shall be provided by first class mail to:

13.7.2.1 The Applicant;

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

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

13.7.3 The notice shall include the following information:

13.7.3.1 The written findings adopted by the Board;

13.7.3.2 Conditions of approval; and

13.7.3.3 For development proposed within the Coastal Zone, procedures for appeal, if applicable.

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~~ local action notice 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 that are not included within Paragraph (1) of this section ~~that and~~ 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; or

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

SECTION 7. De Minimus Waivers from Coastal Development Permit Requirements

Section 312-16 regarding De Minimus Waivers from Coastal Development Permit Requirements in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

16.4 PROCEEDINGS FOR WAIVER OF PROCEDURES

16.4.6 Notice of ~~final action~~ decision on an application for a De Minimus Waiver shall be given as follows:

16.4.6.1 Notice shall be provided in accordance with Section 312-6.7, Notice of Decision ~~within five (5) working days of the Director's action.~~

~~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.~~

16.4.6.2~~3~~ The notice shall include the following information:

16.4.6.2~~3~~.1 The action taken;

16.4.6.2~~3~~.2 The effective date and expiration date; and

16.4.6.2~~3~~.3 Procedures for appeal if applicable.

SECTION 8. Amendments to the Zoning Regulations and Zoning Maps

Section 314-50 regarding Amendments to the Zoning Regulations and Zoning Maps in Title III, Division 1, Chapter 2 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

50.7 PROCESSING OF PROPOSED AMENDMENTS

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](#) and in accordance with Section [65854](#) of the California Government Code.

SECTION 9. Wireless Telecommunications Facilities

Section 314-91 regarding Wireless Telecommunications Facilities in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

91.2 WIRELESS TELECOMMUNICATIONS FACILITIES

91.2.8.5 **Notice of ~~Final Action~~ Decision**. Notice of ~~final action~~ decision on an application for design review, a special permit or a conditional use permit shall be ~~given~~ provided in accordance with Section 312-6.7, Notice of Decision. ~~as follows:~~

~~91.2.8.5.1 Notice shall be provided within five (5) working days of the Planning Director's or Hearing Officer's action.~~

~~91.2.8.5.2 Notice shall be provided by first class mail to:~~

~~91.2.8.5.2.1 The applicant;~~

~~91.2.8.5.2.2 Any person who specifically requested, in writing, notice of such final action.~~

~~91.2.8.5.3 The notice shall include the following information:~~

~~91.2.8.5.3.1 Written findings;~~

~~91.2.8.5.3.2 Conditions of approval;~~

~~91.2.8.5.3.3 Procedures for appeal.~~

EXISTING REGULATIONS

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)

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.

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.

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)

13.12 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.

16.4 PROCEEDINGS FOR WAIVER OF PROCEDURES

...

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)

50.7 PROCESSING OF PROPOSED AMENDMENTS

...

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)

91.2 WIRELESS TELECOMMUNICATIONS FACILITIES

...

- 91.2.8.5 **Notice of Final Action.** Notice of final action on an application for design review, a special permit or a conditional use permit shall be given as follows:

91.2.8.5.1 Notice shall be provided within five (5) working days of the Planning Director's or Hearing Officer's action.

91.2.8.5.2 Notice shall be provided by first class mail to:

91.2.8.5.2.1 The applicant;

91.2.8.5.2.2 Any person who specifically requested, in writing, notice of such final action.

91.2.8.5.3 The notice shall include the following information:

91.2.8.5.3.1 Written findings;

91.2.8.5.3.2 Conditions of approval;

91.2.8.5.3.3 Procedures for appeal.

CALCULATIONS ANALYSIS

CO₂ Reduction:

eCo₂ Greetings and ezeep each have collated data from other sources to determine the following estimates:

- 1.2 kilograms of carbon dioxide (CO₂) are emitted per kilogram of non-recycled paper produced; 0.7 kg of CO₂ are emitted per kg of recycled paper produced (ezeep).
- A single sheet of standard office paper weighs approximately 5 grams, because standard office paper has a weight of approximately 80 grams per square meter (g/m²) and each square meter of paper contains about 16 pages (ezeep).
- Laser printers, which are what is used in the Planning and Building Department office, have CO₂ emissions of around 10.27 g per minute and there is an assumption that 10 pages are printed per minute. A significant proportion of this estimate is from the warm-up time associated with heating the fuser assembly to the correct operating temperature, requiring around 1300 watts. Ezeep claims that the 15 watts associated with using inkjet printers is negligible for carbon calculations and appears omit the emissions associated with the production of ink and toner (ezeep). Ink and toner would be negligible on a page-by-page calculation, but at an office-wide scale, they likely should not be overlooked.
- Approximately 29 g of CO₂ are emitted during the process of sending a handwritten posted letter (eCo₂ Greetings). Because this is handwritten, this value omits printing emissions but may or may not omit the cost of producing the presumed single page of paper. Given that, on average, that would be a difference of 1 gram of CO₂. That may be negligible on a per mailing basis, until we calculate the many pages associated with decision notifications.
- Approximately 4 grams of CO₂ are emitted from sending an email without an attachment, but approximately 19 grams are emitted from an email with a 1 megabyte attachment (MB) (eCo₂ Greetings).
- An email with large or multiple attachments can emit up to 50 g of CO₂ (eCo₂ Greetings).
- Approximately 7.07 kg of CO₂ are emitted from the power consumption associated with transmitting 1 gigabyte (GB) of data.
- Webpage sources:
 - <https://www.ezeep.com/co2-neutral-printing/>
 - <https://www.ezeep.com/wp-content/uploads/A-Paper-Free-Future.pdf>
 - <https://www.eco2greetings.com/News/The-Carbon-Footprint-of-Email-vs-Postal-Mail.html>

The analysis below extrapolates from that data, which was likely established with more separation between each aspect of the process and is therefore less accurate with each

mathematical step and is dependent on some rough estimates. These are secondary sources that each have commercial biases, ezeep sells software and hardware to support networked printers and eCO₂ Greetings sells e-cards. Because the intent of the code change is to save costs, staff time was not spent finding each source of their data and re-compiling it into a new conclusion, as such an endeavor could potentially have exceeded the annual savings to be determined further below.

Without values from the Planning and Building Department, the values listed above and the determinations made by each source are insufficient to support preference between email or physical mail because they change based on scales of activity, though both support a reduction in both choices for CO₂ reducing efforts. A duplication between the efforts, regardless, is wasteful in terms of CO₂ emissions, as well as staff and materials cost. The values below are specific to the Planning and Building Department and are used to tailor the calculations to the Department's needs.

- The paper currently used by the Planning and Building Department is made from 30% post-consumer waste, so the calculations interpret it to have output 30% as much as recycled paper, plus 70% as much as non-recycled paper.
- A typical Approval Packet can be around 20 pages, sometimes shorter, sometimes significantly longer.
- A randomly selected, though recent, Approval Packet of that length was approximately 4.1 megabytes (MB)
- A notice that the appeal period has ended would not be greater than 2 pages.
- The notice associated with the random Approval Packet referenced above was 0.2 MB.
- Both of these items are sent out as a result of each decision.

With these data, we can convert the CO₂ emitted per page and per email values into a CO₂ emitted per decision value that can be compared. For clarity, this value is only an assessment of emissions that would be changed with the decision to require emails only and omits the emissions from the many other steps in the decision-making process.

Because there would be two mailings or two emails per decision and a flat value associated with each act of sending, but the differing page counts leads to different end-values for each, we will add twice the flat CO₂ grams of each sent item to the total CO₂ grams per decision (g/DC). Therefore, we will use the 29 grams per mailing to establish 58 (g/DC) added and the 4 CO₂ grams per email to establish 8 (g/DC).

Next, CO₂ grams per printed page and per MB. eCO₂ Greetings and ezeep differ significantly on CO₂ per MB calculations. The 7.07 kg/GB from ezeep is equal to 7.07 g/MB,

as the conversions of both grams to kilograms and megabytes to gigabytes are factors of 1,000. eCo₂ Greetings' estimate of 19 grams per email with 1 MB attachment certainly includes the flat value of sending an email without an attachment, but while simple subtraction may be inappropriate considering the variables involved, to simplify the math overall, we'll say that would logically lead to 15 g/MB. Interestingly, the entity with an interest in potential customers sending more e-cards claims twice as many grams of CO₂ per megabyte are emitted than the entity with an interest in potential customers printing out their documents. For the calculations, we'll use the greater value. To calculate the impacts of the semi-post-consumer paper used by the Planning and Building Department: 30% of 0.7 CO₂ grams per gram of recycled paper equals 0.21 CO₂ grams, 70% of 1.2 CO₂ grams per gram of non-recycled paper equals 0.84 CO₂ grams, the sum of which is 1.05 CO₂ grams per gram of the semi-post-consumer paper. At 5 grams per page, multiplied by 1.05 CO₂ grams, that results in CO₂ emissions of 5.25 CO₂ grams per page. At 10.27 CO₂ grams emitted per 10 pages, CO₂ emitted from the energy associated with printing each page is 1.027 CO₂ grams per page. Adding the energy costs of producing each page with the energy costs of printing on each page, the Planning and Building Department would need to emit roughly 6.277 CO₂ grams per printed page.

Using 15 g/MB and 6.277 g/page, combining the counts from both the Approval Packet and Appeal Completion Letter to get 4.3 megabytes per decision and 22 pages per decision, then we can multiply to find CO₂ emissions of 64.5 g/DC for email data and 138.09 g/DC for printed pages. Adding the flat emissions of 8 g/DC for emails, we find approximately 72.5 g/DC when emailing only. Adding the flat emissions of 58 g/DC for mailings, we find approximately 196.09 g/DC when mailing only. This is a difference of 63%, a significant reduction that is beyond expected error rates from the approximations. Using the same calculations but substituting the 15 g/MB value for 7.07 g/MB, the difference could be as much as 80%.

However, we also must recall that presently, the Planning and Building Department is both mailing and emailing these notices, so the values should also be added together before finding a potential percent reduction. That addition results in 268.59 CO₂ grams emitted per decision. Considering the Planning and Building Department would nearly exclusively email these notices as a result of this code change, using the potential usage of 72.5 g/DC, the potential reduction in CO₂ emissions associated with this step of this task would be roughly 73%.

Economic Savings:

Planning Staff assessed the time spent on preparing and sending the notices for each decision and determined that approximately 30 minutes are spent to prepare and email the notices, plus an additional 15 minutes to mail them out. Multiplying that time by the 297 decisions made requiring these mailings, between the Planning Commission, Zoning Administrator, and Administrative decisions in the previous year (2024), approximately 222.75 hours are expected to be spent annually. Multiplying the time by the staff burden rate, then adding the mailing costs, such as postage, that are billed to the applicant, the total costs are approximately \$31,482.44 annually.

Reducing the time spent to 30 minutes, only 148.5 hours are required for the task annually. If the same number of decisions are made, then by removing the cost of mailing from the equation but increasing the burden rate to the current fiscal period's rate, the total costs would be approximately \$20,614.77 annually. The savings, therefore, would be approximately \$10,867.67 annually.

The reduced costs associated with the reduction in paper and envelope usage have not been calculated as part of this analysis.