



COUNTY OF HUMBOLDT

For the meeting of: 9/23/2025

File #: 25-993

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Amendments to the Zoning Ordinance Related to the Notice of Final Action Provisions by Amending Subsections 312-6.7.2 to Allow Electronic Delivery of the Notice of Final Action, 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, Sections 312-16.4 and 314-91.2 to Establish that they are Dependent of Subsection 312 6.7.2, 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

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the resolution (Attachment 1), which does the following:
 - a. Finds the Amendments to Action and Decision Code are exempt from CEQA pursuant to Section 15061(b)(3) and Section 15378(b)(2) of the State CEQA Guidelines; and
 - b. Finds the Amendments to Action and Decision Code comply with the General Plan and Coastal Act; and
 - c. Finds the Amendments to Action and Decision Code are in the public interest; and
 - d. Finds the Amendments to Action and Decision Code are consistent with the purpose of the ordinance; and
2. Adopt the 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; and
3. Direct the Clerk of the Board to publish a post-adoption summary of the Amendments to Action and Decision Code Ordinance within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the ordinance.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Workforce & Operational Excellence

Strategic Plan Category: 3001 - Support a well-trained workforce

DISCUSSION:

The requested action is to adopt the amendments to the applicable Noticing Codes within the County Zoning Regulations. Adopting the amendments will improve office efficiency without conflicting with the noticing requirements set by state law. The Planning Commission recommended approval of this as part of the consent calendar. The changes are as follows:

- A. Electronic Delivery of the Notice of Action: (Section 6.7.2) The current language of the code requires notice to be provided 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. Delivery of a notice of Final Action would still be made by first-class mail (to comply with state law). The Planning and Building Department has been working to reduce costs and increase efficiency by reducing the amount of paper consumed and providing more services digitally. The department added emails to the standard permit processing procedure. These courtesy emails have each notice attached. The proposed code changes enable elimination of 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 permit's process. 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. Under state statute the Final Notice from the Board of Supervisors must be sent by first class mail, but the same requirement is not attached to any other decision maker. The Final Notices by the Board will be sent by first class mail to comply with state statute. 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 Government Code 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.

Planning Commission Meeting - 8/7/2025

At the Planning Commission Meeting on August 7, 2025, the Planning Commission recommended adoption of the proposed Amendments to the Notice and Decision Code Ordinance via approval of the consent agenda (Attachment 6).

Effect of Ordinance:

The results of the changes are minor and are intended to modernize 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.

Environmental Review: The proposed ordinance 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.

SOURCE OF FUNDING:

The salary funding for research, staff tasks, and preparing the draft ordinance and staff report is included in the General Fund contribution to the Long-Range Planning unit (1100-282).

FINANCIAL IMPACT:

Staff costs and other expenses related to research, staff tasks, and preparing the draft ordinance and staff report total approximately \$11,640.

STAFFING IMPACT:

Staff time required for noticing will be reduced via implementation and no additional staff resources should be required.

OTHER AGENCY INVOLVEMENT:

The action item was referred to County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Board of Supervisors could choose to amend the language of the ordinance or add additional restrictions or requirements. This alternative should be implemented if the Board is unable to make all the required findings. Staff believe that the required findings can be made and do not recommend further consideration of this alternative.
2. The Board of Supervisors could choose not to recommend approval of the Zoning Regulation Amendments. This alternative may be implemented if the Board is unable to make all the required findings. Staff believe that the required findings can be made and do not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
2. Draft Ordinance No. ____
3. Post-Adoption Summary
4. Calculations Analysis
5. Aug. 7, 2025 PC Staff Report
6. PC Resolution 25-040

PREVIOUS ACTION/REFERRAL:

Planning Commission Meeting of: August 7, 2025

File #: 25-993

File No.: 25-904