



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792

## Memorandum

**To:** Humboldt County Planning Commission  
**From:** John H. Ford, Director of Planning and Building  
**Date:** November 9, 2018  
**Subject:** Planning Commission initiation of Revocation Proceedings

At your meeting of October 4, 2018 the Planning Commission asked whether the Commission had the ability to initiate revocation proceedings against an issued permit. This memo will address that question, and also explain staff's approach to addressing permits which may not be in compliance.

Humboldt County Code 312-14.2 gives the Commission the power to initiate revocation proceedings. HCC 312-14.3 states that any revocation proceeding shall be exclusively heard and decided by the Board of Supervisors. The Planning Commission has the ability to request that staff present information and allow somebody who desires to see a permit revoked to present information relative to whether the permit is in violation and worthy of revocation. In the event the Commission determines that a revocation proceeding is warranted, then the Commission would make a recommendation to the Board of Supervisors relative to the need for revocation.

It is important for the Planning Commission to understand that revocation should be reserved for situations where there violations and attempts have been made to bring a permit into compliance and those efforts have been ignored or inadequate efforts have been made by the applicant/operator. In situations where the applicant/owner is in a posture of working to address violations, revocation proceedings are not warranted. It is the County's approach to seek compliance as the first path to resolution. Revocation should be reserved as the unfortunate last option in working to achieve compliance.

It may be that members of the public do not like a particular organization or applicant/operator and request revocation. The mere request for revocation should not warrant revocation proceedings. If this were so, people could request revocation of any permit of an operator that they dislike and the county would be obligated to undertake revocation proceedings. Complaints that a permit is being operated in violation of the limitations of the permit warrant investigation to determine the veracity of the complaint. If the permit is found to be in violation, then actions need to be taken to notify the applicant/operator of the nature of the violation and what needs to be done to bring the permit into compliance.

The Planning Commission has the authority to conduct an investigation of a Permit for purposes of determining whether revocation should be recommended to the Board of Supervisors. This would need to be placed on a Commission agenda. The more important question is when such an action is appropriate. In situations where an applicant/owner is working with the County to achieve compliance this is not a permit ripe for revocation.